

Chapter No. 458  
13/HR40/R1107SG  
JP LEW

3/25/13

6:04 pm

# *HOUSE BILL NO. 178*

Originated in House



Clerk

HOUSE BILL NO. 178

AN ACT TO AMEND SECTION 97-17-53, MISSISSIPPI CODE OF 1972, TO REVISE THE CRIME OF THEFT OF LIVESTOCK TO INCLUDE THE KNOWING AND WILLFUL STEALING OR CARRYING AWAY OF LIVESTOCK AS LARCENY; TO PROVIDE THAT THE TOTAL VALUE OF THE LIVESTOCK OBTAINED FROM THE INDIVIDUAL OWNER OR MERCHANT SHALL BE AGGREGATED IN DETERMINING THE GRAVITY OF THE OFFENSE; TO PROVIDE THAT PERSONS SUBJECT TO CERTAIN PROVISIONS OF THE PACKERS AND STOCKYARDS ACT WHO FAIL TO MAKE FULL PAYMENT FOR LIVESTOCK OBTAINED FROM A COMMISSION MERCHANT OR LIVESTOCK OWNER IS PRIMA FACIA EVIDENCE OF FRAUDULENT CONDUCT; AND FOR RELATED PURPOSES.

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

**SECTION 1.** Section 97-17-53, Mississippi Code of 1972, is amended as follows:

97-17-53. (1) (a) If any person shall knowingly, willfully and feloniously take, steal and carry away livestock of any value belonging to another \* \* \* without the consent of the \* \* \* owner, he \* \* \* is guilty of larceny \* \* \* and punishable pursuant to Section 97-17-41 or 97-17-43 depending on the gravity of the offense. The total value of the livestock obtained from the individual owner or merchant shall be aggregated in determining the gravity of the offense.

(b) If any person obtains livestock belonging to another by means of any fraudulent conduct, practice or representation, he is guilty of fraud and punishable pursuant to Section 97-19-39. The total value of the livestock obtained from the individual owner or merchant shall be aggregated in determining the gravity of the offense.

(c) Obtaining livestock from a commission merchant or livestock owner by representing that prompt payment will be made pursuant to Section 409 of the Packers and Stockyards Act, 7 USCS Section 228b, and failing to make prompt payment in accordance therewith, shall constitute prima facia evidence of fraudulent conduct, practices or representation.

(2) In addition to any such fine or imprisonment which may be imposed, the court shall order that restitution be made to the owner of any such stolen livestock. The measure for restitution in money shall be the amount of the actual financial loss to the owner of the livestock, including any loss of income, any court costs and attorney's fees incurred by the owner to recover the stolen livestock, the current replacement value of the stolen livestock if the livestock is not recovered, and any other costs incurred by the owner as a result of actions in violation of subsection (1) of this section.

(3) For purposes of this section, the term "livestock" \* \* \* means horses, cattle, swine, sheep and other domestic animals produced for profit.

**SECTION 2.** This act shall take effect and be in force from  
and after July 1, 2013.

PASSED BY THE HOUSE OF REPRESENTATIVES  
January 25, 2013

  
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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
March 7, 2013

  
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PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR

  
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GOVERNOR

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