

Miss. Code Ann. § 97-45-9

Current with 2024 1st and 2nd Extraordinary Sessions and Regular Session legislation signed by the Governor and effective upon passage through April 15, 2024, not including changes and corrections made by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.

Mississippi Code 1972 Annotated > Title 97. Crimes (Chs. 1 — 47) > Chapter 45. Computer Crimes and Identity Theft (§§ 97-45-1 — 97-45-33)

§ 97-45-9. Offense against intellectual property; penalties.

- (1) An offense against intellectual property is the intentional:
 - (a) Destruction, insertion or modification, without consent, of intellectual property; or
 - (b) Disclosure, use, copying, taking or accessing, without consent, of intellectual property.
- (2) Whoever commits an offense against intellectual property when the damage or loss or attempted damage or loss amounts to a value of less than One Thousand Dollars (\$1,000.00) may be punished, upon conviction, by a fine of not more than One Thousand Dollars (\$1,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both if the court finds substantial and compelling reasons why the offender cannot be safely and effectively supervised in the community, is not amenable to community-based treatment, or poses a significant risk to public safety. If such a finding is not made, the court shall suspend the sentence of imprisonment and impose a period of probation not exceeding one (1) year or a fine of not more than One Thousand Dollars (\$1,000.00), or both. The total value of property taken, stolen or carried away by the person from a single victim shall be aggregated in determining the gravity of the offense. Any person convicted of a third or subsequent offense under this subsection where the value of the property is not less than Five Hundred Dollars (\$500.00), shall be imprisoned in the Penitentiary for a term not exceeding three (3) years or fined an amount not exceeding One Thousand Dollars (\$1,000.00), or by both.
- (3) Whoever commits an offense against intellectual property when the damage or loss amounts to a value of One Thousand Dollars (\$1,000.00) or more but less than Five Thousand Dollars (\$5,000.00), the offender may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.
- (4) Whoever commits an offense against intellectual property when the damage or loss amounts to a value of Five Thousand Dollars (\$5,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), may be punished, upon conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than ten (10) years, or by both such fine and imprisonment.
- (5) Whoever commits an offense against intellectual property when the damage or loss amounts to a value of Twenty-five Thousand Dollars (\$25,000.00) or more, may be punished, upon

conviction, by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than twenty (20) years, or by both such fine and imprisonment.

(6) The provisions of this section shall not apply to the disclosure, use, copying, taking, or accessing by proper means as defined in this chapter.

History

Laws, 1985, ch. 319, § 5; Laws, 2014, ch. 457, § 34, eff from and after July 1, 2014.

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