

## CRIMES

### CHAPTER 25

## OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS

#### Section

- 97-25-1. Destruction of electric power facilities or equipment.  
97-25-3. Tampering with utility meters.  
97-25-4. Unauthorized activities on railroad rights-of-way.  
97-25-5. Destruction of railroad signs or gates.  
97-25-7. Riding or driving vehicle or livestock on railroad track.  
97-25-9. Embezzlement of railroad tickets.  
97-25-11. Theft of railroad tickets.  
97-25-13. Intoxicated engineer or conductor.  
97-25-15. Jumping on or off moving railroad cars.  
97-25-17. Improper placement of railroad switches.  
97-25-19. Crossing another railroad's tracks without stopping.  
97-25-21. Obstruction of railroad.  
97-25-23. Derailing railroad cars.  
97-25-25. Unlawful running of locomotive.  
97-25-27. Interference with train signals.  
97-25-29. Theft of rides.  
97-25-31. Theft of animal killed or wounded by train.  
97-25-33. Report of animal killed or wounded by train.  
97-25-35. Theft or interference with railroad communications.  
97-25-37. Stopping or standing at crossing.  
97-25-39. Uncoupling of locomotives or cars.  
97-25-41. Shooting from moving train.  
97-25-43. Conspiracy to impede railroad, carrier or utility.  
97-25-45. Interference by force.  
97-25-47. Shooting or throwing at transportation vehicles or facilities.  
97-25-49. Wrongful access to telecommunications messages; offense; exemptions; admissibility of information.  
97-25-51. Refusal to transmit governmental telegram.  
97-25-53. Interference with telephone or telegraph.  
97-25-54. Theft of telecommunications services; avoiding lawful charges; penalties and remedies.  
97-25-55. Aircraft piracy and related offenses.  
97-25-57. Nuclear sabotage.

#### § 97-25-1. Destruction of electric power facilities or equipment

(1) Any person who shall intentionally in anywise obstruct, injure, break, tamper with or destroy or in any manner interrupt any electric power line or the transmission of electric current in connection with such line, or who shall make or use electric power from any unauthorized connection with such line, or who shall intentionally injure or destroy any of the posts, wires, insulators, fixtures, equipment, installations or other things belonging to any electric power system, or used in connection with the furnishing of electric power service, shall be guilty of a misdemeanor and such person shall, on conviction, be fined not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00), or imprisoned in the county jail for not exceeding six (6) months, or both.

TAMPERING  
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meters

(2) Every person who shall be convicted of taking and carrying away, feloniously, such property as listed in subsection (1) of this section, of the value of one hundred dollars (\$100.00) or more, shall be guilty of grand larceny and shall be imprisoned in the penitentiary for a term not exceeding five (5) years, or shall be fined not more than one thousand dollars (\$1,000.00), or both.

(3) If any person shall feloniously take, steal and carry away any such property as listed in subsection (1) of this section, under the value of one hundred dollars (\$100.00), he shall be guilty of petit larceny and shall be punished by imprisonment in the county jail not exceeding three (3) months, or by fine not exceeding one hundred dollars (\$100.00), or both.

Laws 1960, Ch. 252, § 1; Laws 1981, Ch. 541, § 1, eff. July 1, 1981.

**Historical and Statutory Notes**

**Derivation:**

Code 1942, § 2114.5.

**Cross References**

Standard state assessment in addition to all court imposed fines or other penalties for any misdemeanor violation, see § 99-19-73.

**Library References**

Public Utilities ⇐111.

Trespass ⇐78.

Westlaw Topic Nos. 317A, 386.

C.J.S. Public Utilities §§ 5, 9, 11, 13, 172 to 174, 177 to 178.

C.J.S. Trespass § 176.

✓ **§ 97-25-3. Tampering with utility meters**

Whoever, intentionally, by any means or device, prevents electric current, water or gas from passing through any meter or meters belonging to any person, firm or corporation engaged in the manufacture, sale or distribution of electricity, water or gas for lighting, power or other purposes, furnished such persons to register current or electricity, water or gas, passing through meters, or intentionally prevents the meter from duly registering the quantity of electricity, water or gas supplied, or in any manner interferes with its proper action or just registration, or, without the consent of such person, firm or corporation, intentionally diverts any electrical current from any wire or cable, or water or gas from any pipe or main of such person, firm or corporation, or otherwise intentionally uses, or causes to be used, without the consent of such person, firm or corporation, any electricity or gas manufactured, or water produced or distributed, by such person, firm or corporation, or any person, firm or corporation who retains possession of, or refuses to deliver any meter or meters, lamp or lamps, or other appliances which may be, or may have been, loaned them by any person, firm or corporation for the purpose of furnishing electricity, water or gas, through the same, with the intent to defraud such person, firm or corporation, shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than three (3) months, or by both fine and imprisonment in the discretion of the court.

OFFENSES—PUBLIC UTILITIES, ETC.

The presence at any time on or about such meter or meters, wire, cable, pipe or main of any device or unauthorized meter or pipe or wire resulting in the diversion of electric current, water or gas, as above defined, or resulting in the prevention of the proper action or just registration of the meter or meters as above set forth, the same being knowingly or intentionally installed, shall constitute prima facie evidence of knowledge on the part of the person, firm or corporation having custody or control of the room or place where such device or pipe or wire is located, or the existence thereof and the effect thereof, and shall constitute prima facie evidence of the intention on the part of such person, firm or corporation to defraud and shall bring such person, firm or corporation prima facie within the scope, meaning and penalties of this section.

Provided further, that if any person, firm or corporation engaged in the selling or delivering of any electric current, water or gas, to a consumer shall knowingly cause to be installed any meter or meters intentionally adjusted or regulated so as to cause such meter or meters to register a greater amount of such electric current, water or gas, than actually passes through the same, shall be prima facie evidence of the knowledge of such person, firm or corporation engaged in selling or delivering such electric current, water or gas, of the existence thereof and shall bring such person, firm or corporation within the scope and meaning of this section, and subject to the operation of this section. Provided further, any employee, stockholder, or member of the board of directors who, with intent to defraud a customer, falsifies, or acquiesces in the falsifying, of any record which results in billing in excess of the amount lawfully due and owing, shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or sentenced to serve not more than six (6) months in jail, or both.

Provided further, this section shall not relieve any person, firm or corporation from any other liabilities now imposed by law.

The governing authorities of any municipality are authorized to prosecute any violation of this section which is committed upon meters owned or operated by a utility which is owned or operated by a municipality.

Laws 1932, Ch. 268, § 1; Laws 1981, Ch. 541, § 3; Laws 1984, Ch. 338, § 1; Laws 1992, Ch. 385, § 1, eff. July 1, 1992. Amended by Laws 2009, Ch. 397, § 1, eff. July 1, 2009.

Historical and Statutory Notes

The 2009 amendment, in the first undesignated paragraph, substituted "five hundred dollars (\$500.00)" for "two hundred dollars (\$200.00)".

Derivation:

Code 1930, § 1025; Code 1942, § 2257.

Cross References

Standard state assessment in addition to all court imposed fines or other penalties for any misdemeanor violation, see § 99-19-73.

Testing of utility meters, prosecution of persons tampering with meters, see § 21-27-9.

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data for the purpose of computing, compiling or processing retail sales transaction data, and includes a cash register or any other point-of-sale system.

(c) "Phantom-ware" means a hidden or concealed programming option embedded in the operating system of, or hardwired into, an electronic cash register that can be used to create a second or alternate set of records or to eliminate or manipulate transaction records, which may or may not be preserved in digital format, to represent either the actual or the manipulated record of transactions.

(d) "Transaction data" means data relating to a transaction which includes, but is not limited to, data identifying each item purchased by a customer; the price for each item; a taxability determination for each item; a segregated tax amount for each of the taxed items; the amount of cash or credit tendered; the net amount returned to a customer in change; the date and time of a purchase; the name, address and identification number of a vendor; and the receipt or invoice number of a transaction.

(e) "Transaction report" means:

(i) A report that contains, but is not limited to, documentation of the sales, taxes or fees collected, media totals, and discount voids of an electronic cash register and that is printed on cash register tape or other hard copy at the end of a day or shift;

(ii) A report that documents every action performed on or by an electronic cash register and that is stored electronically; and/or

(iii) Any variation of reports described in subparagraphs (i) and (ii) of this paragraph (e).

(2) It shall be unlawful for any person to knowingly create, design, manufacture, sell, purchase, lease, install, update, repair, service, transfer, use, or possess or otherwise make available any automated sales suppression device, zapper or phantom-ware.

(3) Any person who violates the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be fined not more than One Hundred Thousand Dollars (\$100,000.00) or imprisoned for not more than fifteen (15) years, or both.

(4) An automated sales suppression device, zapper or phantom-ware and any device containing such device or software shall be contraband and shall be forfeited to the state.

Added by Laws 2018, Ch. 414 (S.B. 2754), § 1, eff. July 1, 2018.

CHAPTER 25

OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS

Section

97-25-3. Tampering with utility meters.

§ 97-25-1. Destruction of electric power facilities or equipment

Research References

Treatises and Practice Aids

Mississippi Plain Language Model Jury Instructions, Criminal 3800, Larceny-Electric Power Equipment.

§ 97-25-3. Tampering with utility meters

Whoever, intentionally, by any means or device, prevents electric current, water or gas from passing through any meter or meters belonging to any person, firm or corporation engaged in the manufacture, sale or distribution of electricity, water or gas for lighting, power or other purposes, furnished such persons to register current of electricity, water or gas, passing through meters, or intentionally prevents the meter from duly registering the quantity of electricity, water or gas supplied, or in any manner interferes with its proper action or just registration, or, without the consent of such person, firm or corporation, intentionally diverts any electrical current from any wire or cable, or water or gas from any

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pipe or main of such person, firm or corporation, or otherwise intentionally uses, or causes to be used, without the consent of such person, firm or corporation, any electricity or gas manufactured, or water produced or distributed, by such person, firm or corporation, or any person, firm or corporation who retains possession of, or refuses to deliver any meter or meters, lamp or lamps, or other appliances which may be, or may have been, loaned them by any person, firm or corporation for the purpose of furnishing electricity, water or gas, through the same, with the intent to defraud such person, firm or corporation, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not more than three (3) months, or by both fine and imprisonment in the discretion of the court.

The presence at any time on or about such meter or meters, wire, cable, pipe or main of any device or unauthorized meter or pipe or wire resulting in the diversion of electric current, water or gas, as above defined, or resulting in the prevention of the proper action or just registration of the meter or meters as above set forth, the same being knowingly or intentionally installed, shall constitute prima facie evidence of knowledge on the part of the person, firm or corporation having custody or control of the room or place where such device or pipe or wire is located, or the existence thereof and the effect thereof, and shall constitute prima facie evidence of the intention on the part of such person, firm or corporation to defraud and shall bring such person, firm or corporation prima facie within the scope, meaning and penalties of this section.

Provided further, that if any person, firm or corporation engaged in the selling or delivering of any electric current, water or gas, to a consumer shall knowingly cause to be installed any meter or meters intentionally adjusted or regulated so as to cause such meter or meters to register a greater amount of such electric current, water or gas, than actually passes through the same, shall be prima facie evidence of the knowledge of such person, firm or corporation engaged in selling or delivering such electric current, water or gas, of the existence thereof and shall bring such person, firm or corporation within the scope and meaning of this section, and subject to the operation of this section. Provided further, any employee, stockholder, or member of the board of directors who, with intent to defraud a customer, falsifies, or acquiesces in the falsifying, of any record which results in billing in excess of the amount lawfully due and owing, shall be guilty of a misdemeanor and shall be fined not more than Five Hundred Dollars (\$500.00) or sentenced to serve not more than six (6) months in jail, or both.

Provided further, this section shall not relieve any person, firm or corporation from any other liabilities now imposed by law.

The governing authorities of any municipality are authorized to prosecute any violation of this section which is committed upon meters owned or operated by a utility which is owned or operated by a municipality. In addition, the governing authorities of a municipality are authorized to prosecute within the municipality when any violation of this section is committed upon such meters that lie outside the municipal boundaries of the municipality.

Laws 1932, Ch. 268, § 1; Laws 1981, Ch. 541, § 3; Laws 1984, Ch. 338, § 1; Laws 1992, Ch. 385, § 1, eff. July 1, 1992. Amended by Laws 2009, Ch. 397, § 1, eff. July 1, 2009; Laws 2013, Ch. 435 (H.B. 1519), § 1, eff. July 1, 2013.

**Historical and Statutory Notes**

The 2013 amendment, in the first undesignated paragraph, substituted "misdemeanor and, upon conviction" for "misdemeanor and upon conviction"; and in the last undesignated paragraph, added the last sentence.

**§ 97-25-9. Embezzlement of railroad tickets**

**Research References**

- Treatises and Practice Aids**  
 Mississippi Plain Language Model Jury Instructions, Criminal 3801, Embezzling Passenger Railroad Tickets.
- Mississippi Plain Language Model Jury Instructions, Criminal 3802, Unlawfully Using Passenger Railroad Tickets.**

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§ 97-25-13. Intoxicated engineer or conductor

Research References

Other References

Labor & Employment Law ¶ 40749, Mississippi Employment Security Commission, Plaintiff v. John Martin, Jr., Defendant.  
Unemployment Insurance Reports 11995497, ¶ 8219 MESC v. John Martin, Jr.

Treatises and Practice Aids

Mississippi Plain Language Model Jury Instructions, Criminal 3803, Intoxicated Engineer.  
Mississippi Plain Language Model Jury Instructions, Criminal 3804, Intoxicated Conductor.

Sentence

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§ 97-25-17. Improper placement of railroad switches

Research References

Treatises and Practice Aids

Mississippi Plain Language Model Jury Instructions, Criminal 3805, Leaving Switch Open or Improperly Placed.

5. Suffic Defendant the shooti overwhelm instructed it" when d of vehicle gun, and d by saying, ness." Cr Weapons &

§ 97-25-23. Derailing railroad cars

Research References

Treatises and Practice Aids

Mississippi Plain Language Model Jury Instructions, Criminal 3806, Damaging or Derailing a Railroad Car.

Evidence conviction f a vehicle; c to "handle frustrated subsequent encouraged show... [ow State, 2016,

§ 97-25-35. Theft or interference with railroad communications

Research References

Treatises and Practice Aids

Mississippi Plain Language Model Jury Instructions, Criminal 3807, Stealing or Interfering

With Communications or Signaling Equipment.

§ 97-25-4

§ 97-25-37. Stopping or standing at crossing

Research References

Treatises and Practice Aids

Mississippi Plain Language Model Jury Instructions, Criminal 3808, Leaving Locomotive or Train of Cars on Railroad Crossing.

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§ 97-25-45. Interference by force

Research References

Treatises and Practice Aids

Mississippi Plain Language Model Jury Instructions, Criminal 3809, Interfering With a Railroad Company's or Other Business.

Mississippi Plain Language Model Jury Instructions, Criminal 3810, Interfering With Public Transportation.

§ 97-25-5

§ 97-25-47. Shooting or throwing at transportation vehicles or facilities

Research References

Treatises and Practice Aids

Mississippi Plain Language Model Jury Instructions, Criminal 3811, Shooting a Firearm or Throwing a Missile at a Train.

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Notes of Decisions

Sentence 8

2. Double jeopardy

Defendant's separate convictions and punishments for one count of shooting into a vehicle and one count of murder, arising from defendant's single act of firing a gun into a car and killing one of its passengers, did not violate double-jeopardy, since offenses of murder and shooting into a vehicle each required proof of a fact which the other does not; murder required proof of deliberate killing of an individual, while shooting into a vehicle required only that an individual willfully shoot into or at a vehicle. *Foreman v. State* (Miss. 2011) 51 So.3d 957, habeas corpus dismissed 2014 WL 4146432, certificate of appealability denied. Double Jeopardy ⇨ 150(1)

5. Sufficiency of evidence

Defendant's conviction for aiding and abetting the shooting into a vehicle was not against the overwhelming weight of the evidence; defendant instructed another individual to "handle it, handle it" when defendant became frustrated with owner of vehicle which individual subsequently shot with gun, and defendant further encouraged individual by saying, "[l]et's show... [owner] we mean business." *Crowell v. State*, 2016, 193 So.3d 706. Weapons ⇨ 296

Evidence was sufficient to support defendant's conviction for aiding and abetting the shooting into a vehicle; defendant instructed another individual to "handle it, handle it" when defendant became frustrated with owner of vehicle which individual subsequently shot with gun, and defendant further encouraged individual by saying, "[l]et's show... [owner] we mean business." *Crowell v. State*, 2016, 193 So.3d 706. Weapons ⇨ 296

Evidence was sufficient to support convictions for shooting into an occupied motor vehicle, aggravated assault, murder, and conspiracy to shoot into an occupied motor vehicle, to commit aggravated assault, and to commit murder; autopsy report and photographs presented at trial verified that defendant shot victim numerous times in his body, including fatal gunshot wound to the head, eyewitness testified to witnessing defendant shoot victim multiple times, and co-conspirator testified that he, defendant, and another co-conspirator conspired to attack and kill victim prior to the shooting, and that he witnessed defendant shoot into victim's vehicle and shoot victim several times in the body. *Chapman v. State*, 2012, 96 So.3d 786. Assault and Battery ⇨ 91.6(3); Conspiracy ⇨ 47(3.1); Conspiracy ⇨ 47(8); Homicide ⇨ 1134; Weapons ⇨ 294(5)

Convictions of shooting into an occupied motor vehicle, aggravated assault, murder, and conspiracy to shoot into an occupied motor vehicle, to commit aggravated assault, and to commit murder were not contrary to the overwhelming weight of the evidence, where autopsy report, photographs, and testimony at trial provided ample basis for jury to conclude that defendant committed crimes for which he was charged. *Chapman v. State*, 2012, 96 So.3d 786. Assault and Battery ⇨ 91.6(3); Conspiracy ⇨ 47(3.1); Conspiracy ⇨ 47(8); Homicide ⇨ 1134; Weapons ⇨ 294(5)

8. Sentence

Ten-year sentence imposed on defendant for offense of shooting into a vehicle was not within the bounds of statute providing that maximum sentence for the offense was five years, and thus sentence was illegal, requiring remand for resentencing. *Foreman v. State* (Miss. 2011) 51 So.3d 957, habeas corpus dismissed 2014 WL 4146432, certificate of appealability denied. Assault and Battery ⇨ 100; Criminal Law ⇨ 1181.5(8)

§ 97-25-53. Interference with telephone or telegraph

Research References

Treatises and Practice Aids

Mississippi Plain Language Model Jury Instructions, Criminal 3812, Larceny of Telecommunications Device Equipment.

§ 97-25-54. Theft of telecommunications services; avoiding lawful charges; penalties and remedies

Research References

Treatises and Practice Aids

Mississippi Law of Damages § 38:21, Avoidance of Charges for Telecommunications Services. Mississippi Plain Language Model Jury Instructions, Criminal 424, Published. Mississippi Plain Language Model Jury Instructions, Criminal 443, Telecommunications Device.

Mississippi Plain Language Model Jury Instructions, Criminal 444, Telecommunications Service. Mississippi Plain Language Model Jury Instructions, Criminal 445, Telecommunications Service Provider. Mississippi Plain Language Model Jury Instructions, Criminal 3813, Using a Telecommunica-

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tions Device With the Intent to Avoid Lawful Charges-Second Offense.  
 Mississippi Plain Language Model Jury Instructions, Criminal 3814, Avoiding Lawful Telephone Service Charges-Second Offense.  
 Mississippi Plain Language Model Jury Instructions, Criminal 3815, Assisting a Person Avoid Lawful Telephone Service Charges-Second Offense.  
 Mississippi Plain Language Model Jury Instructions, Criminal 3816, Possessing or Selling a Device to Help Avoid Paying Lawful Telephone Charges-Second Offense.

Mississippi Plain Language Model Jury Instructions, Criminal 3817, Possessing Telecommunications Devices With Intent to Sell.  
 Mississippi Plain Language Model Jury Instructions, Criminal 3818, Publishing a Credit Card Number to Use to Avoid Paying for Lawful Telephone Charges-Second Offense.  
 Mississippi Plain Language Model Jury Instructions, Criminal 3819, Allowing a Valid Credit Card Number to be Used by Another to Avoid Paying for Lawful Charges-Second Offense.  
 Mississippi Plain Language Model Jury Instructions, Criminal 3820, Theft of Telecommunications Services.

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§ 97-25-55. Aircraft piracy and related offenses

Research References

Encyclopedias

4 Encyclopedia of Mississippi Law § 26:2 (2d ed.), Capital Murder-Categories.

Treatises and Practice Aids

Mississippi Plain Language Model Jury Instructions, Criminal 3821, Airplane Piracy.  
 Mississippi Plain Language Model Jury Instructions, Criminal 3822, Assault With Intent to Commit Airplane Piracy.

Mississippi Plain Language Model Jury Instructions, Criminal 3823, Assault With Intent to Commit Airplane Piracy-By Use of a Deadly Weapon.

Mississippi Plain Language Model Jury Instructions, Criminal 3824, Boarding an Airplane With a Concealed Deadly Weapon.

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§ 97-25-57. Nuclear sabotage

Research References

Treatises and Practice Aids

Mississippi Plain Language Model Jury Instructions, Criminal 3825, Nuclear Sabotage-Damage to Facility.

Mississippi Plain Language Model Jury Instructions, Criminal 3826, Nuclear Sabotage-Stealing Fuel Rods.

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CHAPTER 27

CRIMES AFFECTING PUBLIC HEALTH

§ 97-27-1. Adulteration of food or drugs

Research References

Treatises and Practice Aids

Mississippi Law of Damages § 31:13, Adulteration of Food.

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§ 97-27-7. Glanders or farcy

Research References

Encyclopedias

3 Encyclopedia of Mississippi Law § 23:303 (2d ed.), Oddities of the Mississippi Code.



**12. Sufficiency of evidence**

Evidence was sufficient to support an aiding-and-abetting jury instruction, in defendant's prosecution for felony shoplifting, where the store owner testified at trial that defendant and a group of women acted in concert to steal merchandise from his store, and the State presented video and photographic evidence showing the women passing merchandise amongst themselves. *Stevens v. State*, 2020, 294 So.3d 699. Criminal Law ⇨ 814(2); Criminal Law ⇨ 822(1)

**14. Instructions**

Evidence did not support a jury instruction for lesser-included-offense of misdemeanor shoplifting, in defendant's prosecution for felony shoplifting, where the only proof presented at trial was that the value of the stolen clothing exceeded \$1,000. *Stevens v. State*, 2020, 294 So.3d 699. Criminal Law ⇨ 814(3); Criminal Law ⇨ 829(1); Criminal Law ⇨ 830

**15. Preservation of issues**

Defendant waived all appellate review other than for plain error of her contention that officer's testimony that he was able to identify defendant via tips received from anonymous tips was unduly prejudicial hearsay, in her prosecution for felony shoplifting, by failing to object to challenged testi-

mony at trial. *Stevens v. State*, 2020, 294 So.3d 699. Criminal Law ⇨ 1036.5

**16. Sentence**

Sentence of five years in prison, fine of \$2,500, and restitution in the amount of \$668.10 did not impermissibly exceed the statutory maximum for felony shoplifting, even though the sentencing order provided that, upon release with the Earned Release Supervision (ERS), parole, or Post Release Supervision (PRS), defendant shall be placed in a Restitution Center until she has paid any remaining amounts in restitution or fines, where sentence did not on its face surpass the maximum penalty, and state law provided that if defendant were release on ERS, any remaining time she served in a restitution center could not exceed her statutory maximum sentence under state law. *Stevens v. State*, 2020, 294 So.3d 699. Criminal Law ⇨ 1030(1)

**17. Review**

Defendant's argument, on appeal from felony shoplifting conviction, that her constitutional right to a speedy trial was violated, was made without citation to supporting material, and thus was procedurally barred. *Stevens v. State*, 2020, 294 So.3d 699. Criminal Law ⇨ 148.1

**CHAPTER 25****OFFENSES AFFECTING RAILROADS, PUBLIC UTILITIES AND CARRIERS****Section**

97-25-59. Impeding critical infrastructure; misdemeanor or trespass.

**§ 97-25-47. Shooting or throwing at transportation vehicles or facilities****Notes of Decisions****Elements of offense 1.5****1.5. Elements of offense**

Defendant's convictions for aggravated assault with a weapon and shooting into an occupied vehicle did not violate his Fifth Amendment right against double jeopardy; defendant's convictions contained elements that were not contained in the other, as aggravated assault did not require proof of firearm being shot into a vehicle, and shooting into a vehicle did not require proof of bodily injury.

*Turner v. State*, 2020, 292 So.3d 1006. Criminal Law ⇨ 368.75; Criminal Law ⇨ 436(5)

**2. Double jeopardy**

Defendant's convictions for aggravated assault with a weapon and shooting into an occupied vehicle did not violate his Fifth Amendment right against double jeopardy; defendant's convictions contained elements that were not contained in the other, as aggravated assault did not require proof of firearm being shot into a vehicle, and shooting into a vehicle did not require proof of bodily injury. *Turner v. State*, 2020, 292 So.3d 1006. Criminal Law ⇨ 368.75; Criminal Law ⇨ 436(5)

**§ 97-25-59. Impeding critical infrastructure; misdemeanor or trespass**

(1) Definition of "critical infrastructure facility." As used in this act, unless otherwise defined, "critical infrastructure facility" means:

- (a) Any portion of an oil, gas, carbon dioxide, hazardous liquid or chemical pipeline or tank that is buried or enclosed by a fence or other physical barrier obviously designed to exclude intruders, or clearly marked with a sign or signs reasonably likely to come to the attention of intruders and indicating that entry is forbidden without authorization.

\* (b) One (1) of the following, if enclosed by a fence or other physical barrier obviously designed to exclude intruders, or if clearly marked with a sign or signs reasonably likely to come to the attention of intruders and indicating that entry is forbidden without authorization:

- (i) A chemical or polymer manufacturing facility;
  - (ii) A telecommunications central switching office;
  - (iii) Wireless or other telecommunications infrastructure, including cell towers, communication towers, telephone poles and lines, cable headend or fiber-optic lines, other than those connecting to individual residences;
  - (iv) A transmission facility used by a federally licensed radio or television station, a governmental law enforcement or emergency services radio system, or electric utility;
  - (v) A petroleum refinery;
  - (vi) A liquid natural gas terminal or storage facility or compressed gas liquids plant or storage facility;
  - (vii) A natural gas compressor station;
  - (viii) A hydrocarbon processing plant, including a plant used in the processing, treatment or fractionation of oil, natural gas or natural gas liquids;
  - (ix) A natural gas distribution utility facility, including transmission facilities, pipeline interconnections, a city gate or town border station, metering stations, piping, a regulator station or a natural gas storage facility;
  - (x) A crude oil or refined products storage and distribution facility, including storage tanks, valve sites, pipeline interconnections, pump stations, metering stations, pipelines, or piping and truck loading or offloading facilities;
  - (xi) An above-ground or underground mining facility;
  - (xii) An electrical power generating facility, substation, switching station, communication facility, electrical control center or electric power lines and associated equipment infrastructure other than those connections to individual residences;
  - (xiii) A data center or supercomputing center that has an average constant draw of at least one (1) megawatt of electricity;
  - (xiv) A commercial airport, trucking terminal or other freight transportation facility, including a railroad switching yard, railroad facility or railroad track;
  - (xv) Any reservoir that supplies water for industrial or municipal supplies or irrigation for multiple users or an irrigation district; or
  - (xvi) A water intake structure, water treatment facility, wastewater treatment plant, pump station or water lines and associated equipment infrastructure other than those connections to individual residences.
- (c) Any site where the construction or improvement of any facility or structure referenced in this section is occurring.

\* (2) **Impeding critical infrastructure.** (a) A person is guilty of impeding critical infrastructure if he or she intentionally or knowingly impedes the operations of a critical infrastructure facility in a manner not otherwise authorized by law.

(b) Impeding critical infrastructure is:

- (i) A misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than One Thousand Dollars (\$1,000.00), or both, if the impediment causes damage or economic loss, the cost of which is less than One Thousand Dollars (\$1,000.00);
- (ii) A felony punishable by imprisonment for not more than seven (7) years, a fine of not more than Ten Thousand Dollars (\$10,000.00), or both, if the impediment causes damage or economic loss, the cost of which is One Thousand Dollars (\$1,000.00) or more.

(c) If a series of damage or loss results from a single continuing course of conduct, a single violation of this section may be charged and penalties imposed based on the aggregate cost of the damage or loss.

(d) An organization that aids, abets, solicits, compensates, hires, conspires with, commands or procures a person to commit the crime of impeding critical infrastructure is subject to a fine not to exceed One Hundred Thousand Dollars (\$100,000.00), provided that the organization acted with the intent that the crime of impeding critical infrastructure be completed. A critical infrastructure facility may maintain a civil action against an organization for damages suffered as a consequence of a violation of this subsection, including damages for lost profits, whether or not any fine is imposed pursuant to this subsection.

(e) No person shall be liable for a violation of paragraph (a) or (b) of this subsection if the person:

(i) Owns or legally occupies the land upon which the critical infrastructure facility is located and is engaged in conduct that is not inconsistent with the operation of the critical infrastructure facility or that is authorized by an agreement;

(ii) Is lawfully engaged in any regulatory or legal process to which the critical infrastructure facility is subject; or

(iii) Is engaged in conduct arising out of a bona fide dispute about access to land.

(f) As used in this subsection, "impede" means:

(i) To block the operation of or prevent legal access to a critical infrastructure facility or the construction site of a permitted critical infrastructure facility; or

(ii) To damage, destroy, deface or tamper with the equipment of a critical infrastructure facility, whether completed or under construction.

**(3) Critical infrastructure trespass.** (a) A person is guilty of critical infrastructure trespass if he or she enters or remains on or in a critical infrastructure facility or the construction site of a permitted critical infrastructure facility knowing he is not authorized to do so, or by means of false, forged, altered or counterfeit identification, or after having been notified to depart or not to trespass. For purposes of this subsection, notice is given by:

(i) Personal communication to the person by the owner or occupant, or his agent, or by a peace officer;

(ii) Posting of signs reasonably likely to come to the attention of intruders; or

(iii) The presence of fencing or other physical barrier designed to exclude intruders.

(b) Critical infrastructure trespass is a misdemeanor punishable by imprisonment for not more than one (1) year, a fine of not more than One Thousand Dollars (\$1,000.00), or both.

(c) No person shall be liable for a violation of paragraph (a) of this subsection if that person:

(i) Owns or legally occupies the land upon which the facility is located and is engaged in conduct that is not inconsistent with the operation of the critical infrastructure facility or that is authorized by an agreement; or

(ii) Is lawfully engaged in any regulatory or legal process to which the critical infrastructure facility is subject.

(4) Nothing in this section shall be construed to prohibit:

(a) Public demonstrations or other expressions of free speech or free association to the extent such activity is protected under the United States or Mississippi Constitutions;

(b) Lawful commercial or recreational activities conducted in the open or unconfined areas around a pipeline, including, but not limited to, fishing, hunting, boating and birdwatching; or

(c) The lawful exercise of the right of ownership by an owner of real property, including use, enjoyment and disposition within the limits and under the conditions established by law.

Added by Laws 2020, H.B. No. 1243, § 1, eff. July 1, 2020.