

By: Representative Brown

To: Judiciary B

HOUSE BILL NO. 1142

1 AN ACT TO AMEND SECTIONS 97-17-41 AND 97-17-42, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE A REBUTTABLE PRESUMPTION THAT ANY PERSON
3 DRIVING A STOLEN MOTOR VEHICLE IS GUILTY OF LARCENY; AND FOR
4 RELATED PURPOSES.

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

6 SECTION 1. Section 97-17-41, Mississippi Code of 1972, is
7 amended as follows:

8 97-17-41. (1) (a) Every person who shall be convicted of
9 taking and carrying away, feloniously, the personal property of
10 another, of the value of Two Hundred Fifty Dollars (\$250.00) or
11 more, shall be guilty of grand larceny, and shall be imprisoned in
12 the penitentiary for a term not exceeding five (5) years; or shall
13 be fined not more than One Thousand Dollars (\$1,000.00), or both.

14 (b) Every person who shall be convicted of taking and
15 carrying away, feloniously, the property of a church, synagogue,
16 temple or other established place of worship, of the value of Two
17 Hundred Fifty Dollars (\$250.00) or more, shall be guilty of grand
18 larceny, and shall be imprisoned in the penitentiary for a term
19 not exceeding ten (10) years, or shall be fined not more than Two
20 Thousand Dollars (\$2,000.00), or both.

21 (2) Every person who shall be convicted for a second or
22 subsequent offense of taking and carrying away, feloniously, a
23 motor vehicle which is the personal property of another, of any
24 value, shall be guilty of grand larceny, and shall be imprisoned
25 in the penitentiary for a term not exceeding ten (10) years or
26 shall be fined not more than Two Thousand Dollars (\$2,000.00), or
27 both.

28 (3) The court shall order any person convicted under this
29 section who causes damage to any motor vehicle to pay restitution
30 to the owner or owners of any such motor vehicle.

31 (4) There shall be a rebuttable presumption that any person
32 driving a stolen motor vehicle is guilty of a violation of this
33 section or Section 97-17-42.

34 SECTION 2. Section 97-17-42, Mississippi Code of 1972, is
35 amended as follows:

36 97-17-42. (1) Any person who shall, willfully and without
37 authority, take possession of or take away a motor vehicle
38 belonging to another, and any person who knowingly shall aid and
39 abet in such taking possession or taking away, shall be guilty of
40 a felony and shall be punished by commitment to the Department of
41 Corrections for not more than five (5) years.

42 (2) Any person convicted under this section who causes
43 damage to any motor vehicle shall be ordered by the court to pay
44 restitution to the owner or owners of any such motor vehicle.

45 (3) This section shall not apply to the enforcement of a
46 security interest in a motor vehicle.

47 (4) There shall be a rebuttable presumption that any person
48 driving a stolen motor vehicle is guilty of a violation of this
49 section or Section 97-17-41.

50 SECTION 3. This act shall take effect and be in force from
51 and after July 1, 2001.