

By: Representatives Moore, Formby, Wells-Smith

To: Judiciary A

HOUSE BILL NO. 746

1 AN ACT TO AMEND SECTION 97-17-42, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE OFFENSE OF TAKING AWAY A MOTOR VEHICLE AND THE
3 PENALTIES FOR VIOLATIONS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-17-42, Mississippi Code of 1972, is
6 amended as follows:

7 97-17-42. (1) Any person who shall, willfully and without
8 authority, take possession of or take away a motor vehicle
9 belonging to another, and any person who knowingly shall aid and
10 abet in such taking possession or taking away, shall be guilty of
11 a felony and shall be punished by commitment to the Department of
12 Corrections for not more than ten (10) years.

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

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

18 (4) Any person who shall be convicted for a second or
19 subsequent offense under this section shall be imprisoned in the
20 Penitentiary for a term not exceeding twenty (20) years or shall
21 be fined not more than Ten Thousand Dollars (\$10,000.00), or both.

22 (5) The intent to permanently deprive a person of a motor
23 vehicle shall not apply to violations of this section.

24 **SECTION 2.** This act shall take effect and be in force from
25 and after July 1, 2007.