

By: Representative Smith (39th)

To: Judiciary B

HOUSE BILL NO. 857
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-17-42, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THAT THE TAKING AWAY OF ANY MOTOR VEHICLE, INCLUDING
3 JOYRIDING, WILL CONSTITUTE A FELONY; 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 of any
9 value belonging to another, with intent to either permanently or
10 temporarily convert it or to permanently or temporarily deprive
11 the owner of possession or ownership, and any person who knowingly
12 shall aid and abet in the taking possession or taking away of the
13 motor vehicle, shall be guilty of a felony and shall be punished
14 by commitment to the Department of Corrections for not more than
15 ten (10) years.

16 (2) Any person convicted under this section who causes
17 damage to any motor vehicle shall be ordered by the court to pay
18 restitution to the owner or owners of the motor vehicle or
19 vehicles damaged.

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

22 (4) Any person who shall be convicted for a second or
23 subsequent offense under this section shall be imprisoned in the
24 Penitentiary for a term not exceeding fifteen (15) years or shall
25 be fined not more than Ten Thousand Dollars (\$10,000.00), or both.

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