

By: Senator(s) Albritton

To: Judiciary, Division B

SENATE BILL NO. 2491

1 AN ACT TO AMEND SECTION 97-17-42, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE REQUIREMENT OF RESTITUTION TO A VICTIM OF CAR THEFT
3 AND TO REVISE THE CRIMINAL PENALTIES IMPOSED; AND FOR RELATED
4 PURPOSES.

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

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

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

14 (2) Any person convicted under this section who causes
15 damage to any motor vehicle shall be ordered by the court to pay
16 full restitution to the owner or owners of any such motor vehicle
17 or to any other person or entity in lawful possession thereof at
18 the time of the taking. No person ordered to pay restitution
19 under this subsection shall be released or discharged from
20 probation or post-release supervision until the restitution has
21 been paid in full.

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

24 (4) Any person who shall be convicted for a second or
25 subsequent offense of taking and carrying away, feloniously, a
26 motor vehicle which is the personal property of another, of any
27 value, shall be guilty of grand larceny, and shall be imprisoned
28 in the Penitentiary for a term not exceeding fifteen (15) years or

29 shall be fined not more than Fifteen Thousand Dollars
30 (\$15,000.00), or both.

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