

By: Senator(s) Jordan

To: Judiciary, Division B

SENATE BILL NO. 2021

1 AN ACT TO AMEND SECTION 97-17-41, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT THEFT OF CONTROLLED SUBSTANCES, LEGEND DRUGS OR  
3 FIREARMS WILL CONSTITUTE GRAND LARCENY WITHOUT REGARD TO THE VALUE  
4 OF THE THINGS STOLEN; TO AMEND SECTION 97-17-42, MISSISSIPPI CODE  
5 OF 1972, TO MAKE TECHNICAL CORRECTIONS TO THE OFFENSE OF LARCENY  
6 OF A MOTOR VEHICLE; TO AMEND SECTION 97-17-43, MISSISSIPPI CODE OF  
7 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 97-17-41, Mississippi Code of 1972, is  
10 amended as follows:

11 97-17-41. (1) Any person who \* \* \* is convicted of taking  
12 and carrying away, feloniously, the personal property of  
13 another \* \* \* of the value of One Thousand Dollars (\$1,000.00) or  
14 more \* \* \* shall be guilty of grand larceny, and \* \* \* punished as  
15 set out in this section. The total value of property taken and  
16 carried away by the person from a single victim shall be  
17 aggregated in determining the gravity of the offense.

18 (a) (i) If the value of the property is One Thousand  
19 Dollars (\$1,000.00) or more, but less than Five Thousand Dollars  
20 (\$5,000.00), the person shall be imprisoned in the custody of the



21 Department of Corrections for a term not exceeding five (5) years  
22 or fined not more than Ten Thousand Dollars (\$10,000.00), or both.

23 ( \* \* \* ii) \* \* \* If the value of the property is Five  
24 Thousand Dollars (\$5,000.00) or more, but less than Twenty-five  
25 Thousand Dollars (\$25,000.00), \* \* \* the person shall be  
26 imprisoned in the \* \* \* custody of the Department of Corrections  
27 for a term not exceeding ten (10) years \* \* \* or \* \* \* fined not  
28 more than Ten Thousand Dollars (\$10,000.00), or both. \* \* \*

29 ( \* \* \* iii) \* \* \* If the value of the property is  
30 Twenty-five Thousand Dollars (\$25,000.00) or more, \* \* \* the  
31 person shall be imprisoned in the \* \* \* custody of the Department  
32 of Corrections for a term not exceeding twenty (20) years \* \* \*  
33 or \* \* \* fined not more than Ten Thousand Dollars (\$10,000.00), or  
34 both. \* \* \*

35 ( \* \* \* b) \* \* \* If the property \* \* \* belongs to a church,  
36 synagogue, temple or other established place of worship, and:

37 (i) Is of the value of One Thousand Dollars  
38 (\$1,000.00) or more, \* \* \* but less than Twenty-five Thousand  
39 Dollars (\$25,000.00), the person shall be imprisoned in the \* \* \*  
40 custody of the Department of Corrections for a term not exceeding  
41 ten (10) years \* \* \* or \* \* \* fined not more than Ten Thousand  
42 Dollars (\$10,000.00), or both.

43 ( \* \* \* ii) \* \* \* Is of the value of Twenty-five  
44 Thousand Dollars (\$25,000.00) or more, \* \* \* the person shall be  
45 imprisoned in the \* \* \* custody of the Department of Corrections



46 for a term not exceeding twenty (20) years \* \* \* or \* \* \* fined  
47 not more than Ten Thousand Dollars (\$10,000.00), or both. \* \* \*

48 (2) (a) Any person who is convicted of taking and carrying  
49 away, feloniously, a legend drug or firearm of any value, is  
50 guilty of grand larceny, and the person shall be imprisoned in the  
51 custody of the Department of Corrections for a term not exceeding  
52 ten (10) years, or fined not more than Ten Thousand Dollars  
53 (\$10,000.00), or both.

54 (b) For the purposes of this section, the term "legend  
55 drug" is interchangeable with the term "prescription drug" and  
56 means a drug required under federal law to be labeled with a  
57 statement that restricts dispensing without a prescription or that  
58 restricts the drug to use by or on the order of a licensed  
59 veterinarian, or both.

60 **SECTION 2.** Section 97-17-42, Mississippi Code of 1972, is  
61 amended as follows:

62 97-17-42. (1) Any person who \* \* \* willfully and without  
63 authority \* \* \* takes possession of or takes away a motor vehicle  
64 of any value belonging to another, with intent to either  
65 permanently or temporarily convert it or to permanently or  
66 temporarily deprive the owner of possession or ownership, and any  
67 person who knowingly \* \* \* aids and abets in the taking possession  
68 or taking away of the motor vehicle, shall be guilty of larceny  
69 and shall be punished based on the value of the motor vehicle  
70 involved according to the schedule in Section 97-17-41(1). If the



71 value of the motor vehicle involved is less than One Thousand  
72 Dollars (\$1,000.00) \* \* \*, the person shall be punished according  
73 to the schedule in Section 97-17-43.

74 (2) Any person convicted under this section who causes  
75 damage to any motor vehicle shall be ordered by the court to pay  
76 restitution to the owner or owners of the motor vehicle or  
77 vehicles damaged.

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

80 (4) \* \* \* A person who \* \* \* is convicted \* \* \* of a second  
81 or subsequent offense under this section shall be imprisoned in  
82 the \* \* \* custody of the Department of Corrections for a term not  
83 exceeding \* \* \* ten (10) years or \* \* \* fined not more than Ten  
84 Thousand Dollars (\$10,000.00), or both.

85 **SECTION 3.** Section 97-17-43, Mississippi Code of 1972, is  
86 amended as follows:

87 97-17-43. (1) \* \* \* (a) Except as otherwise provided in  
88 this section or in Section 97-17-41, a person \* \* \* who  
89 feloniously takes, steals and \* \* \* carries away any personal  
90 property of another under the value of One Thousand Dollars  
91 (\$1,000.00), \* \* \* is guilty of petit larceny and, upon  
92 conviction, may be punished by imprisonment in the county jail not  
93 exceeding six (6) months, or by a fine not exceeding One Thousand  
94 Dollars (\$1,000.00), or both, if the court finds that, for  
95 substantial and compelling reasons \* \* \*, the offender cannot be



96 safely and effectively supervised in the community, is not  
97 amenable to community-based treatment, or poses a significant risk  
98 to public safety. \* \* \* Unless such a finding is \* \* \* made, the  
99 court \* \* \* must suspend the sentence of imprisonment and impose a  
100 period of probation not exceeding one (1) year or a fine not  
101 exceeding One Thousand Dollars (\$1,000.00), or both. \* \* \*

102 (b) \* \* \* A person convicted of a third or subsequent  
103 offense under this \* \* \* subsection (1) where the value of the  
104 property is \* \* \* Five Hundred Dollars (\$500.00) \* \* \* or more  
105 shall be imprisoned in the \* \* \* custody of the Department of  
106 Corrections for a term not exceeding three (3) years or fined an  
107 amount not exceeding One Thousand Dollars (\$1,000.00), or both.

108 (2) \* \* \* (a) A person \* \* \* who feloniously takes, steals  
109 and \* \* \* carries away any property of a church, synagogue, temple  
110 or other established place of worship under the value of One  
111 Thousand Dollars (\$1,000.00) \* \* \* is guilty of petit larceny and,  
112 upon conviction, may be punished by imprisonment in the county  
113 jail not exceeding one (1) year or by a fine not exceeding Two  
114 Thousand Dollars (\$2,000.00), or both, if the court finds that,  
115 for substantial and compelling reasons \* \* \* , the offender cannot  
116 be safely and effectively supervised in the community, is not  
117 amenable to community-based treatment, or poses a significant risk  
118 to public safety. \* \* \* Unless such a finding is \* \* \* made, the  
119 court \* \* \* must suspend the sentence of imprisonment and impose a



120 period of probation not exceeding one (1) year or a fine not  
121 exceeding Two Thousand Dollars (\$2,000.00), or both.

122           **(b) \* \* \*** A person convicted of a third or subsequent  
123 offense under this \* \* \* subsection where the value of the  
124 property is \* \* \* Five Hundred Dollars (\$500.00) or more, shall be  
125 imprisoned in the \* \* \* custody of the Department of Corrections  
126 for a term not exceeding three (3) years or fined an amount not  
127 exceeding Two Thousand Dollars (\$2,000.00), or both.

128           **(3)** The total value of property taken, stolen or carried  
129 away by the person from a single victim shall be aggregated in  
130 determining the gravity of the offense.

131           **( \* \* \*4)** \* \* \* A person who leaves the premises of an  
132 establishment at which motor fuel offered for retail sale was  
133 dispensed into the fuel tank of a motor vehicle by driving away in  
134 that motor vehicle without having made due payment or authorized  
135 charge for the motor fuel so dispensed, with intent to defraud the  
136 retail establishment, shall be guilty of petit larceny and  
137 punished \* \* \* by imprisonment in the county jail not exceeding  
138 six (6) months, or by a fine not exceeding One Thousand Dollars  
139 (\$1,000.00), or both, and, upon any second or subsequent such  
140 offense, the driver's license of the person shall be suspended as  
141 follows:

142           **(a)** The person shall submit the driver's license to the  
143 court upon conviction and the court shall forward the driver's  
144 license to the Department of Public Safety.



145 (b) The first suspension of a driver's license under  
146 this subsection shall be for a period of six (6) months.

147 (c) A second or subsequent suspension of a driver's  
148 license under this subsection shall be for a period of one (1)  
149 year.

150 (d) At the expiration of the suspension period, and  
151 upon payment of a restoration fee of Twenty-five Dollars (\$25.00),  
152 the suspension shall terminate and the Department of Public Safety  
153 shall return the person's driver's license to the person. The  
154 restoration fee shall be in addition to the fees provided for in  
155 Chapter 1, Title 63, \* \* \* and shall be deposited into the State  
156 General Fund in accordance with Section 45-1-23.

157 **SECTION 4.** This act shall take effect and be in force from  
158 and after July 1, 2017.

