

By: Representative Foster

To: Judiciary B

HOUSE BILL NO. 496

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO
 2 ESTABLISH A SPECIALIZED UNIT WITH THE DEPARTMENT OF PUBLIC SAFETY
 3 TO COORDINATE EFFORTS TO REDUCE MOTOR VEHICLE THEFT AND INCREASE
 4 RESPONSE TO MOTOR VEHICLE THEFT; TO CREATE THE "MOTOR VEHICLE
 5 THEFT RECOVERY FUND"; TO AMEND SECTION 97-17-41, MISSISSIPPI CODE
 6 OF 1972, TO ADD AN ADDITIONAL ASSESSMENT FOR THOSE CONVICTED OF
 7 GRAND LARCENY TO BE DEPOSITED INTO THE "MOTOR VEHICLE THEFT
 8 RECOVERY FUND"; TO AMEND SECTION 97-3-117, MISSISSIPPI CODE OF
 9 1972, TO ADD AN ADDITIONAL ASSESSMENT FOR THOSE CONVICTED OF
 10 CARJACKING TO BE DEPOSITED INTO THE "MOTOR VEHICLE THEFT RECOVERY
 11 FUND"; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** The Department of Public Safety is authorized to
 14 establish a specialized unit within the Department of Public
 15 Safety to coordinate efforts to reduce motor vehicle theft and
 16 increase response to motor vehicle theft. The efforts of the unit
 17 shall be funded from monies in the "Motor Vehicle Theft Recovery
 18 Fund." The Department of Public Safety, shall have the authority
 19 to promulgate the administrative rules that are necessary and
 20 proper to further carry out the purposes of this act.

21 **SECTION 2.** (1) There is created in the State Treasury a
 22 special fund to be known as the "Motor Vehicle Theft Recovery



23 Fund." The administration and regulation of the fund shall be
24 vested in the Department of Public Safety, and shall consist of:

- 25 (a) Monies appropriated by the Legislature;
- 26 (b) The interest accruing to the fund;
- 27 (c) Monies received under the provisions of Section
28 99-19-75;
- 29 (d) Monies received from the federal government;
- 30 (e) Donations to the fund;
- 31 (f) Assessments collected pursuant to Section 83-39-31;
- 32 (g) All other monies received by the state from every
33 source for the support of this program; and
- 34 (h) Monies received from such other sources as may be
35 provided by law.

36 (2) The monies in the fund shall be used by the Department
37 of Public Safety, upon appropriation by the Legislature, to
38 coordinate efforts to reduce motor vehicle theft and increase
39 response to motor vehicle theft. Not more than ten percent (10%)
40 of the monies from the fund may be used for administrative
41 expenses and other expenses related to carrying out the provisions
42 of this act; however, the total amount used for administrative and
43 related expenses during a state fiscal year shall not exceed One
44 Hundred Thousand Dollars (\$100,000.00).

45 (3) Within six (6) months of the effective date of the act,
46 the Department of Public Safety shall convene a committee
47 comprised of persons described in this subsection (3) and chosen



48 by the Commissioner of Public Safety to develop a strategic plan
49 to coordinate the state's response to the theft of motor vehicles.

50 The committee members shall serve two (2) year terms. It
51 shall consist of five (5) members, four of whom shall be chosen by
52 the Commissioner of the Department of Public Safety. One (1)
53 person shall be designated by the Attorney General. The following
54 four (4) members shall be appointed by the Commissioner of the
55 Department of Public Safety:

- 56 (a) A municipal law enforcement officer,
- 57 (b) A county law enforcement officer,
- 58 (c) A person who has been a victim of carjacking,
- 59 and
- 60 (d) A state highway patrol officer.

61 (4) By January 5 of each year, the Office of the Attorney
62 General shall provide an itemized financial report to the
63 Legislature and the State Auditor of all expenditures, statistical
64 data regarding services that have been provided, with a
65 geographical description included.

66 **SECTION 3.** Section 97-17-41, Mississippi Code of 1972, is
67 amended as follows:

68 97-17-41. (1) Any person who shall be convicted of taking
69 and carrying away, feloniously, the personal property of another,
70 of the value of One Thousand Dollars (\$1,000.00) or more, but less
71 than Five Thousand Dollars (\$5,000.00), shall be guilty of grand
72 larceny, and shall be imprisoned in the Penitentiary for a term



73 not exceeding five (5) years; or shall be fined not more than Ten
74 Thousand Dollars (\$10,000.00), or both. The total value of
75 property taken and carried away by the person from a single victim
76 shall be aggregated in determining the gravity of the offense.

77 (2) Any person who shall be convicted of taking and carrying
78 away, feloniously, the personal property of another, of the value
79 of Five Thousand Dollars (\$5,000.00) or more, but less than
80 Twenty-five Thousand Dollars (\$25,000.00), shall be guilty of
81 grand larceny, and shall be imprisoned in the Penitentiary for a
82 term not exceeding ten (10) years; or shall be fined not more than
83 Ten Thousand Dollars (\$10,000.00), or both. The total value of
84 property taken and carried away by the person from a single victim
85 shall be aggregated in determining the gravity of the offense.

86 (3) (a) Any person who shall be convicted of taking and
87 carrying away, feloniously, the personal property of another, of
88 the value of Twenty-five Thousand Dollars (\$25,000.00) or more,
89 shall be guilty of grand larceny, and shall be imprisoned in the
90 Penitentiary for a term not exceeding twenty (20) years; or shall
91 be fined not more than Ten Thousand Dollars (\$10,000.00), or both.
92 The total value of property taken and carried away by the person
93 from a single victim shall be aggregated in determining the
94 gravity of the offense.

95 (b) In addition to the penalty assessed under the
96 authority of paragraph (a) of this subsection (3) for each person
97 convicted of taking and carrying away the personal property of



98 another valued at Twenty-five Thousand Dollars (\$25,000.00) or
99 above, an assessment of Two Thousand Dollars (\$2,000.00) shall be
100 collected and deposited into the "Motor Vehicle Theft Recovery
101 Fund".

102 (4) (a) Any person who shall be convicted of taking and
103 carrying away, feloniously, the property of a church, synagogue,
104 temple or other established place of worship, of the value of One
105 Thousand Dollars (\$1,000.00) or more, shall be guilty of grand
106 larceny, and shall be imprisoned in the Penitentiary for a term
107 not exceeding ten (10) years, or shall be fined not more than Ten
108 Thousand Dollars (\$10,000.00), or both.

109 (b) Any person who shall be convicted of taking and
110 carrying away, feloniously, the property of a church, synagogue,
111 temple or other established place of worship, of the value of
112 Twenty-five Thousand Dollars (\$25,000.00) or more, shall be guilty
113 of grand larceny, and shall be imprisoned in the Penitentiary for
114 a term not exceeding twenty (20) years, or shall be fined not more
115 than Ten Thousand Dollars (\$10,000.00), or both. The total value
116 of property taken and carried away by the person from a single
117 victim shall be aggregated in determining the gravity of the
118 offense.

119 **SECTION 4.** Section 97-3-117, Mississippi Code of 1972, is
120 amended as follows:

121 97-3-117. (1) Whoever shall knowingly or recklessly by
122 force or violence, whether against resistance or by sudden or



123 stealthy seizure or snatching, or by putting in fear, or
124 attempting to do so, or by any other means shall take a motor
125 vehicle from another person's immediate actual possession shall be
126 guilty of carjacking.

127 (a) A person who is convicted of carjacking shall be
128 fined not more than Five Thousand Dollars (\$5,000.00) and be
129 committed to the custody of the State Department of Corrections
130 for not more than fifteen (15) years.

131 (b) A person who is convicted of attempted carjacking
132 shall receive the same punishment as the person who is convicted
133 of carjacking.

134 (c) In addition to the penalty assessed under the
135 authority of paragraph (a) of this subsection (1) for each person
136 convicted of carjacking, an assessment of One Thousand Dollars
137 (\$1,000.00) shall be collected and deposited into the "Motor
138 Vehicle Theft Recovery Fund".

139 (2) Whoever commits the offense of carjacking while armed
140 with or having readily available any pistol or other firearm or
141 imitation thereof or other dangerous or deadly weapon, including a
142 sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife,
143 butcher knife, switchblade, razor, blackjack, billy, or metallic
144 or other false knuckles, or any object capable of inflicting death
145 or serious bodily harm, shall be guilty of armed carjacking.

146 (a) Any person who is convicted of armed carjacking
147 shall be fined not more than Ten Thousand Dollars (\$10,000.00) and



148 be committed to the custody of the State Department of Corrections
149 for not more than thirty (30) years.

150 (b) Any person who is convicted of attempted armed
151 carjacking shall receive the same punishment as the person who is
152 convicted of armed carjacking.

153 (c) In addition to the penalty assessed under the
154 authority of paragraph (a) of this subsection (2) for each person
155 convicted of carjacking, an assessment of Two Thousand Dollars
156 (\$2,000.00) shall be collected and deposited into the "Motor
157 Vehicle Theft Recovery Fund".

158 (3) Any person convicted of a second or subsequent offense
159 under this section shall be fined an amount up to twice that
160 otherwise authorized and shall be imprisoned for a term up to
161 twice the term otherwise authorized.

162 **SECTION 5.** This act shall take effect and be in force from
163 and after July 1, 2023.

