

By: Moore (60th), Formby, Martinson

To: Judiciary B

HOUSE BILL NO. 942

1 AN ACT TO AMEND SECTIONS 97-17-41, 97-17-42 AND 97-17-61,
2 MISSISSIPPI CODE OF 1972, TO CLARIFY THAT THEFT OF A MOTOR VEHICLE
3 SHALL BE A FELONY; TO REVISE PENALTIES; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 97-17-41, Mississippi Code of 1972, is
6 amended as follows:

7 97-17-41. (1) (a) Every person who shall be convicted of
8 taking and carrying away, feloniously, the personal property of
9 another, of the value of Two Hundred Fifty Dollars (\$250.00) or
10 more, shall be guilty of grand larceny, and shall be imprisoned in
11 the penitentiary for a term not exceeding five (5) years; or shall
12 be fined not more than One Thousand Dollars (\$1,000.00), or both.

13 (b) Every person who shall be convicted of taking and
14 carrying away, feloniously, the property of a church, synagogue,
15 temple or other established place of worship, of the value of Two
16 Hundred Fifty Dollars (\$250.00) or more, shall be guilty of grand
17 larceny, and shall be imprisoned in the penitentiary for a term
18 not exceeding ten (10) years and shall be fined not more than Two
19 Thousand Dollars (\$2,000.00) * * *.

20 (c) Every person who shall be convicted of taking and
21 carrying away a motor vehicle which is the personal property of
22 another, of any value, shall be guilty of grand larceny, a felony,
23 and shall be imprisoned in the penitentiary for a term not
24 exceeding five (5) years and shall be fined not more than Five
25 Thousand Dollars \$5,000.00).

26 (2) Every person who shall be convicted for a second or

27 subsequent offense of taking and carrying away, feloniously, a
28 motor vehicle which is the personal property of another, of any
29 value, shall be guilty of grand larceny, a felony, and shall be
30 imprisoned in the penitentiary for a term not exceeding ten (10)
31 years and shall be fined not more than Ten Thousand Dollars
32 (\$10,000.00) * * *.

33 (3) The court shall order any person convicted under this
34 section who causes damage to any motor vehicle to pay restitution
35 to the owner or owners of any such motor vehicle.

36 SECTION 2. Section 97-17-42, Mississippi Code of 1972, is
37 amended as follows:

38 97-17-42. (1) Any person who shall, willfully and without
39 authority, take possession of or take away a motor vehicle
40 belonging to another, and any person who knowingly shall aid and
41 abet in such taking possession or taking away, shall be guilty of
42 a felony and shall be punished by commitment to the Department of
43 Corrections for not more than five (5) years and shall be fined
44 not more than Five Thousand Dollars (\$5,000.00).

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

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

50 SECTION 3. Section 97-17-61, Mississippi Code of 1972, is
51 amended as follows:

52 97-17-61. Any person who shall, without the consent of the
53 owner or his agent, take away any horse, mare, gelding, mule,
54 jack, jennet, sheep, cow, bull, ox, hog, or other livestock or
55 dog, * * * where such taking and carrying away shall not amount to
56 larceny, shall upon conviction, be fined not exceeding One
57 Thousand Dollars (\$1,000.00), or be imprisoned not exceeding one
58 (1) year in the county jail, or both. A verdict of guilty of such
59 taking and carrying away may be rendered under an indictment for

60 larceny, if the evidence shall not warrant a verdict of guilty of
61 larceny but shall warrant a conviction under this section. This
62 section shall not apply to anyone who takes such property
63 believing, in good faith, that he has a right to it. The court
64 shall order any person convicted under this section to pay
65 restitution for any damage caused to any property as a result of
66 violating this section.

67 SECTION 4. This act shall take effect and be in force from
68 and after July 1, 2000.