

By: Representative Smith (39th)

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 857

1 AN ACT TO AMEND SECTION 97-17-42, MISSISSIPPI CODE OF 1972,  
2 TO CONFORM AUTO THEFT PENALTIES TO GRAND LARCENY AND REQUIRE FULL  
3 RESTITUTION; 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  
9 belonging to another, and any person who knowingly shall aid and  
10 abet in such taking possession or taking away, shall be guilty of  
11 a felony and shall be punished by commitment to the Department of  
12 Corrections for not more than ten (10) years.

13 (2) Any person convicted under Section 97-17-42 who causes  
14 damage to any motor vehicle shall be ordered by the court to pay  
15 full restitution to the owner or owners of any such motor vehicle  
16 or to any other person in lawful possession thereof at the time of  
17 the taking. No person ordered to pay such restitution shall be  
18 released or discharged from probation or post-release supervision  
19 until restitution has been paid in full.

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 of taking and carrying away, feloniously, a  
24 motor vehicle which is the personal property of another, of any  
25 value, shall be guilty of grand larceny, and shall be imprisoned  
26 in the Penitentiary for a term not exceeding fifteen (15) years or

27 shall be fined not more than Fifteen Thousand Dollars  
28 (\$15,000.00), or both.

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