

By: Senator(s) Fillingane, Hill, Parker, McLendon

To: Judiciary, Division B

SENATE BILL NO. 2174
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 97-17-42, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT THE CRIME OF MOTOR VEHICLE THEFT SHALL BE A
3 FELONY; TO REVISE THE PENALTIES FOR THE COMMISSION OF MOTOR
4 VEHICLE THEFT; TO PROVIDE AN ALTERNATE PENALTY FOR A PERSON
5 CONVICTED UNDER THIS SECTION WHERE THE MOTOR VEHICLE WAS IN THE
6 POSSESSION OF A COMMERCIAL ENTITY IN THE BUSINESS OF BUYING,
7 SELLING, LEASING, RENTING, STORING OR TRANSPORTING MOTOR VEHICLES;
8 TO DEFINE THE TERM "MOTOR VEHICLE"; AND FOR RELATED PURPOSES.

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

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

12 97-17-42. (1) Any person who shall, willfully and without
13 authority, take possession of or take away a motor vehicle of any
14 value belonging to another, with intent to either permanently or
15 temporarily convert it or to permanently or temporarily deprive
16 the owner of possession or ownership, and any person who knowingly
17 shall aid and abet in the taking possession or taking away of the
18 motor vehicle, shall be guilty of * * * a felony and shall
19 be * * * fined not more than Ten Thousand Dollars (\$10,000.00) or
20 imprisoned in the custody of the Department of Corrections for a
21 term not to exceed fifteen (15) years, or both.



22 (2) Any person convicted under this section who causes
23 damage to any motor vehicle shall be ordered by the court to pay
24 restitution to the owner or owners of the motor vehicle or
25 vehicles damaged in the amount of damages caused to the vehicle
26 and reasonable repair costs.

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

29 (4) Any person who shall be convicted for a second or
30 subsequent offense under this section shall be fined not more than
31 Twenty Thousand Dollars (\$20,000.00) or imprisoned in the * * *
32 custody of the Department of Corrections for a term * * * of not
33 less than five (5) years but not to exceed twenty (20) years, or
34 both.

35 (5) Notwithstanding the penalties authorized in subsections
36 (1) and (4) of this section, the penalty for a person convicted of
37 an offense under this section where the motor vehicle was in the
38 possession of a commercial entity in the business of buying,
39 selling, leasing, renting, storing or transporting motor vehicles
40 shall be instead a fine of not more than Twenty Thousand Dollars
41 (\$20,000.00) or imprisonment in the custody of the Department of
42 Corrections for a term of not less than ten (10) years but not to
43 exceed thirty (30) years, or both.

44 (6) As used in this section, "motor vehicle" includes every
45 self-propelled device in, upon or by which any person or property
46 is or may be transported or drawn upon a highway and shall also



47 include any and all other land-based, self-propelled devices which
48 are not designed for use upon a highway, including, but not
49 limited to, farm machinery, construction equipment, all-terrain
50 vehicles and off-road vehicles.

51 **SECTION 2.** This act shall take effect and be in force from
52 and after July 1, 2024.

