

By: Representative Janus

To: Judiciary B

HOUSE BILL NO. 36

1 AN ACT TO CREATE THE FELONY OF FAILURE TO YIELD TO A LAW
2 ENFORCEMENT OFFICER OR TO RESPOND TO A LAW ENFORCEMENT OFFICER'S
3 SIGNAL TO STOP WHEN OPERATING A MOTOR VEHICLE; TO PROVIDE
4 PENALTIES FOR VIOLATIONS OF THIS ACT; TO PROVIDE FOR THE
5 DISBURSEMENT OF PROCEEDS; TO AMEND SECTION 63-3-203, MISSISSIPPI
6 CODE OF 1972, TO CONFORM WITH THE PROVISIONS OF THIS ACT; AND FOR
7 RELATED PURPOSES.

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

9 SECTION 1. The following shall be codified as Section
10 63-3-204, Mississippi Code of 1972:

11 63-3-204. (1) An operator who fails to yield to a law
12 enforcement officer or who, having received a visual or audible
13 signal from a law enforcement officer to bring his vehicle to a
14 stop, operates his vehicle in willful or wanton disregard of the
15 signal so as to interfere with or endanger the operation of any
16 vehicle or person, or who attempts to flee or elude a law
17 enforcement officer by vehicle or other means is guilty of a
18 felony. The court shall, as part of any sentence under this
19 subsection, impose a fine of not less than One Thousand Dollars
20 (\$1,000.00).

21 (2) An operator who violates subsection (1) and while so
22 doing causes death or serious bodily injury to another person,
23 under circumstances not amounting to murder or aggravated murder,
24 is guilty of a felony. The court shall, as part of any sentence
25 under this subsection, impose a fine of not less than Five
26 Thousand Dollars (\$5,000.00).

27 (3) (a) In addition to the penalty provided under this
28 section or any other section, an operator who, having received a

29 visual or audible signal from a law enforcement officer to bring
30 his vehicle to a stop, operates his vehicle in willful or wanton
31 disregard of the signal so as to interfere with or endanger the
32 operation of any vehicle or person, or who attempts to flee or
33 elude a law enforcement officer by vehicle or other means, shall
34 have his driver's license revoked for a period of one (1) year.

35 (b) The court shall collect the driver's license to be
36 revoked and forward it to the Department of Public Safety, along
37 with a report of the conviction. If the court is unable to
38 collect the driver's license, the court shall nevertheless forward
39 the report to the department. If the person is the holder of a
40 driver's license from another jurisdiction, the court shall not
41 collect the driver's license but shall notify the department and
42 the department shall notify the appropriate officials in the
43 licensing state.

44 SECTION 2. Section 63-3-203, Mississippi Code of 1972, is
45 amended as follows:

46 63-3-203. Except as otherwise provided in Section 63-3-204,
47 no person shall willfully fail or refuse to comply with any lawful
48 order or direction of any law enforcement officer invested by law
49 with authority to direct, control or regulate traffic.

50 SECTION 3. This act shall take effect and be in force from
51 and after July 1, 1999.