

By: Representative Smith (39th)

To: Judiciary B

HOUSE BILL NO. 509

1 AN ACT TO AMEND SECTION 97-9-73, MISSISSIPPI CODE OF 1972, TO
2 CREATE THE CRIME OF FLEEING OR ELUDING A LAW ENFORCEMENT OFFICER
3 IN A MOTOR VEHICLE; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 97-9-73, Mississippi Code of 1972, is
6 amended as follows:

7 97-9-73. (1) It shall be unlawful for any person to
8 obstruct or resist by force, or violence, or threats, or in any
9 other manner, his lawful arrest or the lawful arrest of another
10 person by any state, local or federal law enforcement officer, and
11 any person or persons so doing shall be guilty of a misdemeanor,
12 and upon conviction thereof, shall be punished by a fine of not
13 more than Five Hundred Dollars (\$500.00), or by imprisonment in
14 the county jail not more than six (6) months, or both.

15 (2) (a) It is unlawful for the operator of any vehicle
16 knowingly and wilfully to refuse or fail to stop the vehicle in
17 compliance with the directive of a duly authorized law enforcement
18 officer or, having stopped in knowing compliance with the
19 directive, wilfully to flee in an attempt to elude the officer,
20 and a person who violates this subsection, upon conviction, shall
21 be punished by imprisonment in the county jail for a period not to
22 exceed one (1) year, or by a fine not to exceed One Thousand
23 Dollars (\$1,000.00), or by both fine and imprisonment.

24 (b) Any person who, in the course of unlawfully fleeing
25 or attempting to elude a law enforcement officer in an authorized
26 law enforcement patrol vehicle with agency insignia and other

27 jurisdiction markings prominently displayed on the vehicle with
28 siren and lights activated, and having knowledge of an order to
29 stop by a duly authorized law enforcement officer, causes the law
30 enforcement officer to engage in a high-speed vehicle pursuit
31 shall be guilty of a felony and upon conviction, shall be
32 committed to the custody of the Department of Corrections for a
33 period not to exceed five (5) years, and by a fine not to exceed
34 Five Thousand Dollars (\$5,000.00).

35 (c) The court may revoke, for a period not to exceed
36 one (1) year, the driver's license of any person convicted under
37 this subsection (2).

38 SECTION 2. This act shall take effect and be in force from
39 and after July 1, 1999.