

By: Representatives Wells-Smith, Davis,
Fillingane

To: Judiciary B

HOUSE BILL NO. 1376

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; TO PROVIDE THAT SUCH OFFENSE SHALL BE A FELONY
4 IF A TRAFFIC ACCIDENT IS CAUSED; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

39 SECTION 2. This act shall take effect and be in force from
40 and after July 1, 2001.