

By: Representatives Holland, Lott

To: Judiciary B

HOUSE BILL NO. 728

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) The driver of a motor vehicle who is given a visible or
16 audible signal by a law enforcement officer by hand, voice,
17 emergency light or siren directing the driver to bring his motor
18 vehicle to a stop when such signal is given by a law enforcement
19 officer acting in the lawful performance of duty who has a
20 reasonable suspicion to believe that the driver in question has
21 committed a crime, and who willfully fails to obey such direction,
22 shall be guilty of a misdemeanor, and upon conviction shall be
23 punished by a fine not to exceed One Thousand Dollars (\$1,000.00)
24 or imprisoned in the county jail for a term not to exceed six (6)
25 months, or both.

26 (3) Any person who is guilty of violating subsection (2) of
27 this section by operating a motor vehicle in such a manner as to



28 indicate a reckless or willful disregard for the safety of persons
29 or property, or who so operates a motor vehicle in a manner
30 manifesting extreme indifference to the value of human life, shall
31 be guilty of a felony, and upon conviction thereof, shall be
32 punished by a fine not to exceed Five Thousand Dollars
33 (\$5,000.00), or by commitment to the custody of the State
34 Department of Corrections for not more than five (5) years, or
35 both.

36 (4) It shall not be unlawful for the driver of a motor
37 vehicle after dusk to proceed to the nearest well-lighted, public
38 area before stopping as long as the driver does not exceed the
39 speed limit.

40 **SECTION 2.** This act shall take effect and be in force from
41 and after July 1, 2002.

