SENATE BILL NO. 2913

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

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

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

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

(2) The driver of a motor vehicle who is given a visible or audible signal by a law enforcement officer by hand, voice, emergency light or siren directing the driver to bring his motor vehicle to a stop when such signal is given by a law enforcement officer acting in the lawful performance of duty upon a reasonable suspicion of belief that the driver in question has committed a crime, and who willfully fails to obey such direction shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00) or imprisoned in the county jail for a term not to exceed six (6) months, or both. It shall not be unlawful for a person driving a motor vehicle after dusk to proceed to the nearest well-lit populated area, police station or fire station before stopping if
the driver does not exceed the speed limit. It shall be a defense to misdemeanor prosecution under this subsection if the person did not believe the law enforcement officer actually to be a law enforcement officer because the officer was not in uniform or was driving a vehicle not adequately identifiable as an official law enforcement vehicle.

(3) Any person who is guilty of violating subsection (2) of this section by operating a motor vehicle in such a manner as to indicate a reckless or willful disregard for the safety of persons or property, or who so operates a motor vehicle in a manner manifesting extreme indifference to the value of human life, shall be guilty of a felony, and upon conviction thereof, shall be punished by a fine not to exceed Five Thousand Dollars ($5,000.00), or by commitment to the custody of the Department of Corrections for not more than five (5) years, or both.

(4) Any person who is guilty of violating subsection (2) of this section, which violation results in serious bodily injury of another, upon conviction shall be committed to the custody of the Department of Corrections for not less than three (3) nor more than twenty (20) years of imprisonment.

(5) Any person who is guilty of violating subsection (2) of this section, which violation results in the death of another, upon conviction shall be committed to the custody of the Department of Corrections for not less than five (5) nor more than forty (40) years.

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