

By: Senator(s) Carmichael

To: Judiciary

SENATE BILL NO. 2913

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 ENACT DEFENSES; 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 upon a reasonable
20 suspicion of belief that the driver in question has committed a
21 crime, and who willfully fails to obey such direction shall be
22 guilty of a misdemeanor, and upon conviction shall be punished by
23 a fine not to exceed One Thousand Dollars (\$1,000.00) or
24 imprisoned in the county jail for a term not to exceed six (6)
25 months, or both. It shall not be unlawful for a person driving a
26 motor vehicle after dusk to proceed to the nearest well-lit
27 populated area, police station or fire station before stopping if



28 the driver does not exceed the speed limit. It shall be a defense
29 to misdemeanor prosecution under this subsection if the person did
30 not believe the law enforcement officer actually to be a law
31 enforcement officer because the officer was not in uniform or was
32 driving a vehicle not adequately identifiable as an official law
33 enforcement vehicle.

34 (3) Any person who is guilty of violating subsection (2) of
35 this section by operating a motor vehicle in such a manner as to
36 indicate a reckless or willful disregard for the safety of persons
37 or property, or who so operates a motor vehicle in a manner
38 manifesting extreme indifference to the value of human life, shall
39 be guilty of a felony, and upon conviction thereof, shall be
40 punished by a fine not to exceed Five Thousand Dollars
41 (\$5,000.00), or by commitment to the custody of the Department of
42 Corrections for not more than five (5) years, or both.

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

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

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

