

By: Representative Eaton

To: Judiciary B

HOUSE BILL NO. 876

1 AN ACT TO AMEND SECTION 97-9-73, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY THE OFFENSE OF FLEEING A LAW ENFORCEMENT OFFICER WHILE IN  
3 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) It shall be unlawful for any person to wilfully and  
16 unlawfully flee in a motor vehicle from any law enforcement  
17 officer of the state, local or federal government, acting lawfully  
18 within the scope of his duties, when such law enforcement officer  
19 has reasonable belief that the driver or occupant of such motor  
20 vehicle may be involved in criminal activity, and such officer is  
21 exhibiting an activated flashing, blinking, oscillating or  
22 strobing blue light that is visible to the fleeing person or  
23 persons and such officer is sounding an audible signal by siren  
24 that is audible for a distance of five hundred (500) feet under  
25 the existing conditions.

26 It shall be lawful for a person to continue traveling to the  
27 first well lighted location or safe exit out of traffic before



28 stopping so long as the vehicle is operated at a lawful speed, no  
29 occupant of the motor vehicle performs any hazardous violations of  
30 Mississippi law, and no occupant of the motor vehicle ejects  
31 anything from the motor vehicle, or flees from the motor vehicle.

32 (a) Any person who violates subsection (2) of this  
33 section and during the violation does not violate the lawfully  
34 posted speed limits during such violation or any of the occupants  
35 of the vehicle do not commit any violent or hazardous act or any  
36 occupant of such motor vehicle during such violation does not flee  
37 from the motor vehicle or eject any items from the motor vehicle  
38 is guilty of resisting arrest in a motor vehicle, a misdemeanor,  
39 and upon conviction, shall be fined not less than One Hundred  
40 Dollars (\$100.00) nor more than Two Hundred Fifty Dollars  
41 (\$250.00) or imprisoned for not more than two (2) days in jail or  
42 by both such fine and imprisonment.

43 (b) Any person who violates subsection (2) of this  
44 section and during such violation violates the posted speed limit  
45 or commits any hazardous or violent acts or ejects anything from  
46 the motor vehicle, or flees from the motor vehicle is guilty of  
47 resisting arrest hazardously in a motor vehicle, a misdemeanor,  
48 and upon conviction, shall be fined not less than Five Hundred  
49 Dollars (\$500.00) nor more than Three Thousand Dollars (\$3,000.00)  
50 or imprisoned for not less than two (2) days nor more than one (1)  
51 year, or by both such fine and imprisonment. The Commissioner of  
52 Public Safety shall suspend the driving privilege of such person  
53 violating subsection (2)(b) of this section for a period of one  
54 (1) year after a final conviction has been established and no  
55 hardship or early reinstatement of the violator's driving  
56 privilege shall take place.

57 (c) Any person who violates subsection (2) of this  
58 section and during such violation causes property damage to public  
59 property or private property shall be guilty of resisting arrest  
60 destructively in a motor vehicle, a misdemeanor, and upon



61 conviction shall pay restitution in the amount of one and  
62 one-fourth (1-1/4) items the cost to repair or replace the damaged  
63 or destroyed property as per the least of two (2) appraisals  
64 conducted by the court having jurisdiction, and shall be fined not  
65 less than Five Hundred Dollars (\$500.00) nor more than Three  
66 Thousand Dollars (\$3,000.00) and shall be imprisoned for not less  
67 than two (2) days nor more than one (1) year, or by both such fine  
68 and imprisonment. The Commissioner of Public Safety shall suspend  
69 the driving privilege of such person violating subsection 2(c) of  
70 this section for a period of one (1) year after a final conviction  
71 has been established and no hardship or early reinstatement of the  
72 violator's driving privilege shall take place.

73 (d) Any person who violates subsection (2) of this  
74 section and during such violation causes minor injury to any  
75 person or persons, shall be guilty of resisting arrest by simple  
76 injury in a motor vehicle, a misdemeanor, and upon conviction  
77 shall be fined not less than Two Thousand Dollars (\$2,000.00) nor  
78 more than Five Thousand Dollars (\$5,000.00) and shall be  
79 imprisoned for not less than ten (10) days nor more than one (1)  
80 year. The Commissioner of Public Safety shall suspend the driving  
81 privilege of said person violating subsection (2)(d) of this  
82 section for a period of two (2) years after a final conviction has  
83 been established and no hardship or early reinstatement of the  
84 violator's driving privilege shall take place.

85 (e) Any person who violates subsection (2) of this  
86 section and during such violation of causes the death of any  
87 person or causes the mutilation, disfigurement, disabling, or  
88 scarring or any person's body shall be guilty of feloniously  
89 resisting arrest in a motor vehicle, a felony, and upon conviction  
90 shall be fined not less than Five Thousand Dollars (\$5,000.00) nor  
91 more than Fifty Thousand Dollars (\$50,000.00) and shall be  
92 imprisoned for not less than five (5) years nor more than  
93 twenty-five (25) years in the State Penitentiary. The



94 Commissioner of Public Safety shall suspend the driving privilege  
95 of the person violating subsection (2)(e) of this section for a  
96 period of five (5) years after a final conviction has been  
97 established and no hardship or early reinstatement of the  
98 violator's driving privilege shall take place.

99         **SECTION 2.** This act shall take effect and be in force from  
100 and after July 1, 2003.

