

By: Representatives Wells-Smith, Snowden

To: Judiciary B

HOUSE BILL NO. 1388

1 AN ACT TO PROVIDE UNIFORM PURSUIT PROCEDURES FOR LAW
2 ENFORCEMENT OFFICERS; TO AMEND SECTION 97-9-73, MISSISSIPPI CODE
3 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) As used in this section, "police officer"
6 means a sworn member of an organized local law enforcement agency
7 or the Department of Public Safety, which member or officer is
8 assigned to patrol duties on public streets or highways, and
9 "pursuit" means an attempt by a police officer in an authorized
10 emergency vehicle to apprehend any occupant of another moving
11 motor vehicle, when the driver of the fleeing vehicle is
12 attempting to avoid apprehension by maintaining or increasing the
13 speed of such vehicle or by ignoring the police officer's attempt
14 to stop such vehicle.

15 (2) Not later than January 1, 2004, the Commissioner of
16 Public Safety, in conjunction with the Attorney General, and the
17 Board on Law Enforcement Officer Standards and Training, shall
18 adopt a uniform, statewide policy for handling pursuits by police
19 officers. Such policy shall specify:

20 (a) The conditions under which a police officer may
21 engage in a pursuit and discontinue a pursuit, including the
22 prohibition against engaging in pursuits for misdemeanor traffic
23 violations;

24 (b) Alternative measures to be employed by any such
25 police officer in order to apprehend any occupant of the fleeing
26 motor vehicle or to impede the movement of such motor vehicle;



27 (c) The coordination and responsibility, including
28 control over the pursuit, of supervisory personnel and the police
29 officer engaged in such pursuit;

30 (d) In the case of a pursuit that may proceed and
31 continue into another political subdivision:

32 (i) The requirement to notify and the procedures
33 to be used to notify the police department in such other political
34 subdivision, or, if there is no organized police department in
35 such other political subdivision, the officers responsible for law
36 enforcement in such other political subdivision, that there is a
37 pursuit in progress; and

38 (ii) The coordination and responsibility of
39 supervisory personnel in each such political subdivision, and the
40 police officer engaged in such pursuit;

41 (e) The type and amount of training in pursuits, that
42 each police officer shall undergo, which may include training in
43 vehicle simulators, if vehicle simulator training is determined to
44 be necessary and continuous training at regular intervals as
45 determined by the Commissioner of Public Safety; and

46 (f) That a police officer immediately notify
47 supervisory personnel or the officer in charge after the police
48 officer begins a pursuit. The chief of police, sheriff or
49 Commissioner of Public Safety, as the case may be, shall inform
50 each officer within such chief's, sheriff's or commissioner's
51 department and each officer responsible for law enforcement in a
52 political subdivision in which there is no such department of the
53 existence of the policy of pursuit to be employed by any such
54 officer and shall take whatever measures that are necessary to
55 assure that each such officer understands the pursuit policy
56 established.

57 **SECTION 2.** Section 97-9-73, Mississippi Code of 1972, is
58 amended as follows:



59 97-9-73. (1) It shall be unlawful for any person to
60 obstruct or resist by force, or violence, or threats, or in any
61 other manner, his lawful arrest or the lawful arrest of another
62 person by any state, local or federal law enforcement officer, and
63 any person or persons so doing shall be guilty of a misdemeanor,
64 and upon conviction thereof, shall be punished by a fine of not
65 more than Five Hundred Dollars (\$500.00), or by imprisonment in
66 the county jail not more than six (6) months, or both.

67 (2) Law enforcement officers shall follow the procedures
68 established under Section 1 of this act regarding pursuits.

69 **SECTION 3.** This act shall take effect and be in force from
70 and after July 1, 2003.

