HOUSE BILL NO. 1388

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

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

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

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

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

(b) Alternative measures to be employed by any such police officer in order to apprehend any occupant of the fleeing motor vehicle or to impede the movement of such motor vehicle;
(c) The coordination and responsibility, including control over the pursuit, of supervisory personnel and the police officer engaged in such pursuit;

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

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

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

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

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

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

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