MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

By: Senator(s) Johnson (38th) To: Judiciary

SENATE BILL NO. 2446
(As Sent to Governor)

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 CREATE THE COMMISSION ON POLICE PURSUIT STANDARDS AND PROCEDURES; TO PROVIDE FOR THE MEMBERSHIP AND DUTIES OF THE COMMISSION; 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:

From and after July 1, 2003, through June 30, 2004, this section shall read 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) (a) Any person who commits a misdemeanor or felony offense and as a result willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle with agency insignia and other jurisdictional markings prominently displayed on the vehicle with siren and lights activated, and during the course of the fleeing or attempted eluding, drives at high speed, or in any manner which demonstrates a reckless disregard for the safety of persons or property, shall be subject to an enhanced penalty for such offense.
(b) Upon conviction of a misdemeanor, the court may impose up to six (6) additional months to the sentence if the court finds that the offender willfully fled or attempted to elude a law enforcement officer.

(c) Upon conviction of a felony, the court may impose up to eighteen (18) additional months to the sentence if the court finds that the offender willfully fled or attempted to elude a law enforcement officer.

[From and after July 1, 2004, this section shall read as follows:]

97-9-73. 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.

SECTION 2. (1) There is hereby created the Commission on Police Pursuit Standards and Procedures, which shall consist of nineteen (19) members.

(2) The Governor shall appoint seven (7) members of the commission from the following specified categories:

(a) Two (2) members, each to be a chief of police of a municipality in this state, with one (1) of such municipalities having a population of less than one thousand two hundred (1,200) according to the latest federal decennial census.

(b) One (1) member who is a sheriff in this state.

(c) One (1) member who is a district attorney in this state.

(d) One (1) member who is a representative of higher education.
(e) Two (2) members who are victims or family members of victims of crimes involving police pursuits.

(3) The remaining twelve (12) members of the commission shall be the following:

(a) The Attorney General.

(b) The Director of the Mississippi Highway Safety Patrol.

(c) The President of the Mississippi Municipal League, or his designee.

(d) The President of the Mississippi Association of Supervisors, or his designee.

(e) The President of the Mississippi Constable Association, or his designee, provided that this member shall be selected from those constables who are certified law enforcement officers.

(f) The President of the Mississippi Police Benevolent Association, or his designee.

(g) The President of the Mississippi Law Enforcement Officers Association, or his designee.

(h) The President of the Central State Troopers Coalition, or his designee.

(i) A nonsupervisory, rank and file, law enforcement officer appointed by the Lieutenant Governor.

(j) A nonsupervisory, rank and file, law enforcement officer appointed by the Speaker of the House of Representatives.

(k) The President of the Mississippi Campus Law Enforcement Officers Association, or his designee.

(l) The President of the Fraternal Order of Police, or his designee.

(4) Members of the commission shall serve without compensation, but shall be entitled to receive reimbursement for any actual and reasonable expenses incurred as a necessary
ST: Law enforcement; create offense of fleeing or eluding and create study commission.

(5) There shall be a chairman and a vice chairman of the commission, elected by and from the membership of the commission. The board shall meet monthly until the presentation of its final recommendations to the Legislature.

(6) The commission shall study and make recommendations to the Legislature regarding the pursuit of fleeing criminal offenders by law enforcement officers. Such recommendations shall address uniform methods and procedures of pursuit for the state which insure the safety of the public and the apprehension of criminal offenders.

(7) The commission shall report its recommendations to the Legislature not later than January 1, 2004.

SECTION 3. This act shall take effect and be in force from and after July 1, 2003, and Section 2 of this act shall stand repealed on July 1, 2004.