

By: Senator(s) Johnson (38th)

To: Judiciary

SENATE BILL NO. 2446
(As Sent to Governor)

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 CREATE THE COMMISSION ON POLICE PURSUIT
4 STANDARDS AND PROCEDURES; TO PROVIDE FOR THE MEMBERSHIP AND DUTIES
5 OF THE COMMISSION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 97-9-73, Mississippi Code of 1972, is
8 amended as follows:

9 [From and after July 1, 2003, through June 30, 2004, this
10 section shall read as follows:]

11 97-9-73. (1) It shall be unlawful for any person to
12 obstruct or resist by force, or violence, or threats, or in any
13 other manner, his lawful arrest or the lawful arrest of another
14 person by any state, local or federal law enforcement officer, and
15 any person or persons so doing shall be guilty of a misdemeanor,
16 and upon conviction thereof, shall be punished by a fine of not
17 more than Five Hundred Dollars (\$500.00), or by imprisonment in
18 the county jail not more than six (6) months, or both.

19 (2) (a) Any person who commits a misdemeanor or felony
20 offense and as a result willfully flees or attempts to elude a law
21 enforcement officer in an authorized law enforcement patrol
22 vehicle with agency insignia and other jurisdictional markings
23 prominently displayed on the vehicle with siren and lights
24 activated, and during the course of the fleeing or attempted
25 eluding, drives at high speed, or in any manner which demonstrates
26 a reckless disregard for the safety of persons or property, shall
27 be subject to an enhanced penalty for such offense.



28 (b) Upon conviction of a misdemeanor, the court may
29 impose up to six (6) additional months to the sentence if the
30 court finds that the offender willfully fled or attempted to elude
31 a law enforcement officer.

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

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

38 97-9-73. It shall be unlawful for any person to obstruct or
39 resist by force, or violence, or threats, or in any other manner,
40 his lawful arrest or the lawful arrest of another person by any
41 state, local or federal law enforcement officer, and any person or
42 persons so doing shall be guilty of a misdemeanor, and upon
43 conviction thereof, shall be punished by a fine of not more than
44 Five Hundred Dollars (\$500.00), or by imprisonment in the county
45 jail not more than six (6) months, or both.

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

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

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

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

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

58 (d) One (1) member who is a representative of higher
59 education.



60 (e) Two (2) members who are victims or family members
61 of victims of crimes involving police pursuits.

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

64 (a) The Attorney General.

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

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

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

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

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

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

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

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

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

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

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

89 (4) Members of the commission shall serve without
90 compensation, but shall be entitled to receive reimbursement for
91 any actual and reasonable expenses incurred as a necessary



92 incident to such service, including mileage, as provided in
93 Section 25-3-41.

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

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

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

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

