

## REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2446: Law enforcement; create offense of fleeing or eluding.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.

CONFEREES FOR THE SENATE

**X** \_\_\_\_\_  
Bennie L. Turner

**X** \_\_\_\_\_  
Robert L. Johnson III

**X** \_\_\_\_\_  
Thomas E. Robertson

CONFEREES FOR THE HOUSE

**X** \_\_\_\_\_  
Edward Blackmon, Jr.

**X** \_\_\_\_\_  
Warner F. McBride

**X** \_\_\_\_\_  
John L. Moore