

By: Representative Watson

To: Judiciary B

HOUSE BILL NO. 415

1 AN ACT TO REENACT AND AMEND SECTION 2, CHAPTER 536, LAWS OF
 2 2003, WHICH CREATES THE COMMISSION ON POLICE PURSUIT STANDARDS AND
 3 PROCEDURES AND PROVIDES FOR THE MEMBERSHIP AND DUTIES OF THE
 4 COMMISSION; TO PROVIDE THE REPEALER IN SECTION 2, CHAPTER 536,
 5 LAWS OF 2003; TO AMEND SECTION 3, CHAPTER 536, LAWS OF 2003, TO
 6 DELETE THE PROVISION THAT PROVIDES SECTION 2, CHAPTER 535, LAWS OF
 7 2003, WITH A REPEAL DATE OF JULY 1, 2004; TO AMEND SECTION
 8 97-9-73, MISSISSIPPI CODE OF 1972, TO EXTEND THE REVERTER ON THE
 9 PROVISION OF LAW THAT PROVIDES ENHANCED PENALTIES FOR THE CRIME OF
 10 FLEEING OR ELUDING A LAW ENFORCEMENT OFFICER IN A MOTOR VEHICLE
 11 AFTER COMMITTING AN OFFENSE; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 2, Chapter 536, Laws of 2003, is
 14 reenacted and amended as follows:

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

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

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

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

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

27 (d) One (1) member who is a representative of higher
 28 education.

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



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

33 (a) The Attorney General.

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

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

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

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

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

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

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

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

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

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

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

58 (4) Members of the commission shall serve without
59 compensation, but shall be entitled to receive reimbursement for
60 any actual and reasonable expenses incurred as a necessary
61 incident to such service, including mileage, as provided in
62 Section 25-3-41.



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

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

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

75 (8) This section shall stand repealed from and after July 1,
76 2006.

77 **SECTION 2.** Section 3, Chapter 536, Laws of 2003, is amended
78 as follows:

79 Section 3. This act shall take effect and be in force from
80 and after July 1, 2003 * * *.

81 **SECTION 3.** Section 97-9-73, Mississippi Code of 1972, is
82 amended as follows:

83 **[From and after July 1, 2003, through June 30, 2006, this**
84 **section shall read as follows:]**

85 97-9-73. (1) It shall be unlawful for any person to
86 obstruct or resist by force, or violence, or threats, or in any
87 other manner, his lawful arrest or the lawful arrest of another
88 person by any state, local or federal law enforcement officer, and
89 any person or persons so doing shall be guilty of a misdemeanor,
90 and upon conviction thereof, shall be punished by a fine of not
91 more than Five Hundred Dollars (\$500.00), or by imprisonment in
92 the county jail not more than six (6) months, or both.

93 (2) (a) Any person who commits a misdemeanor or felony
94 offense and as a result willfully flees or attempts to elude a law
95 enforcement officer in an authorized law enforcement patrol



96 vehicle with agency insignia and other jurisdictional markings
97 prominently displayed on the vehicle with siren and lights
98 activated, and during the course of the fleeing or attempted
99 eluding, drives at high speed, or in any manner which demonstrates
100 a reckless disregard for the safety of persons or property, shall
101 be subject to an enhanced penalty for such offense.

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

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

110 **[From and after July 1, 2006, this section shall read as**
111 **follows:]**

112 97-9-73. It shall be unlawful for any person to obstruct or
113 resist by force, or violence, or threats, or in any other manner,
114 his lawful arrest or the lawful arrest of another person by any
115 state, local or federal law enforcement officer, and any person or
116 persons so doing shall be guilty of a misdemeanor, and upon
117 conviction thereof, shall be punished by a fine of not more than
118 Five Hundred Dollars (\$500.00), or by imprisonment in the county
119 jail not more than six (6) months, or both.

120 **SECTION 4.** This act shall take effect and be in force from
121 and after July 1, 2004.

