

By: Representatives Smith (39th), Chism

To: Judiciary B

HOUSE BILL NO. 1035  
(As Passed the House)

1 AN ACT TO AMEND SECTION 97-9-73, MISSISSIPPI CODE OF 1972, TO  
2 REVISE THE CRIME OF FLEEING OR ELUDING A LAW ENFORCEMENT OFFICER  
3 IN A MOTOR VEHICLE; TO REQUIRE STATE, COUNTY AND LOCAL LAW  
4 ENFORCEMENT AGENCIES THAT CONDUCT EMERGENCY RESPONSE AND VEHICULAR  
5 PURSUIITS TO ADOPT WRITTEN POLICIES THAT SET FORTH THE MANNER IN  
6 WHICH THESE OPERATIONS SHALL BE CONDUCTED; TO REQUIRE TRAINING FOR  
7 LAW ENFORCEMENT OFFICERS WHO CONDUCT PURSUIITS; AND FOR RELATED  
8 PURPOSES.

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

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

12 97-9-73. \* \* \*

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

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

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

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

38           (3) Law enforcement agencies shall adopt pursuit policies as  
39 required by this act.

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41           **SECTION 2.** On or after January 1, 2005, each state, county  
42 and local law enforcement agency that conducts emergency response  
43 and vehicular pursuits shall adopt written policies that set forth  
44 the manner in which these operations shall be conducted. Each law  
45 enforcement agency may create their own such policies or adopt an  
46 existing model. All pursuit policies created or adopted by any  
47 law enforcement agency must address situations in which police  
48 pursuits cross over into other jurisdictions. Each state, county  
49 and law enforcement agency shall provide pursuit training to all  
50 law enforcement officers who are authorized to conduct vehicular  
51 pursuits. Law enforcement agencies which do not comply with the  
52 requirements of this provision are subject to the withholding of  
53 any state funding or state administered federal funding.

54           **SECTION 3.** This act shall take effect and be in force from  
55 and after July 1, 2004.