

By: Representatives Jennings, Mayhall, Woods To: Judiciary B

HOUSE BILL NO. 1102

1 AN ACT TO CREATE THE CRIME OF FLEEING OR ELUDING A LAW
2 ENFORCEMENT OFFICER IN A MOTOR VEHICLE; TO AMEND SECTION 97-9-73,
3 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
4 PURPOSES.

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

6 **SECTION 1.** (1) The driver of a motor vehicle who is given a
7 visible or audible signal by a law enforcement officer by hand,
8 voice, emergency light or siren directing the driver to bring his
9 motor vehicle to a stop when such signal is given by a law
10 enforcement officer acting in the lawful performance of duty who
11 has a reasonable suspicion to believe that the driver in question
12 has committed a crime, and who willfully fails to obey such
13 direction shall be guilty of a misdemeanor, and upon conviction
14 shall be punished by a fine not to exceed One Thousand Dollars
15 (\$1,000.00) or imprisoned in the county jail for a term not to
16 exceed six (6) months, or both.

17 (2) Any person who is guilty of violating subsection (1) of
18 this section by operating a motor vehicle in such a manner as to
19 indicate a reckless or willful disregard for the safety of persons
20 or property, or who so operates a motor vehicle in a manner
21 manifesting extreme indifference to the value of human life, shall
22 be guilty of a felony, and upon conviction thereof, shall be
23 punished by a fine not to exceed Five Thousand Dollars
24 (\$5,000.00), or by commitment to the custody of the Mississippi
25 Department of Corrections for not more than five (5) years, or
26 both.

27 (3) Any person who is guilty of violating subsection (1) of
28 this section, which violation results in serious bodily injury of

29 another, upon conviction shall be committed to the custody of the
30 Department of Corrections for not less than three (3) nor more
31 than twenty (20) years of imprisonment.

32 (4) Any person who is guilty of violating subsection (1) of
33 this section, which violation results in the death of another,
34 upon conviction shall be committed to the custody of the
35 Department of Corrections for not less than five (5) nor more than
36 forty (40) years.

37 (5) It is a defense to prosecution under this section:

38 (a) That the law enforcement officer was not in uniform
39 or that no law enforcement vehicle used in the attempted stop was
40 clearly marked as a law enforcement vehicle; or

41 (b) That the driver proceeded in a safe manner to a
42 reasonably near well-lit public place before stopping.

43 **SECTION 2.** Section 97-9-73, Mississippi Code of 1972, is
44 amended as follows:

45 97-9-73. (1) It shall be unlawful for any person to
46 obstruct or resist by force, or violence, or threats, or in any
47 other manner, his lawful arrest or the lawful arrest of another
48 person by any state, local or federal law enforcement officer, and
49 any person or persons so doing shall be guilty of a misdemeanor,
50 and upon conviction thereof, shall be punished by a fine of not
51 more than Five Hundred Dollars (\$500.00), or by imprisonment in
52 the county jail not more than six (6) months, or both.

53 (2) The offense of fleeing or eluding a law enforcement
54 officer in a motor vehicle shall be governed by the provisions of
55 Section 1 of House Bill No. _____, 2004 Regular Session.

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