

By: Senator(s) Flowers, Chamberlin,
Pickering, Lee (35th), Carmichael

To: Judiciary, Division B

SENATE BILL NO. 2166
(As Sent to Governor)

1 AN ACT TO CREATE THE CRIME OF FLEEING OR ELUDING A LAW
2 ENFORCEMENT OFFICER IN A MOTOR VEHICLE; TO REQUIRE STATE, COUNTY
3 AND LOCAL LAW ENFORCEMENT AGENCIES THAT CONDUCT EMERGENCY RESPONSE
4 AND VEHICULAR PURSUITS TO ADOPT WRITTEN POLICIES AND TRAINING
5 PROCEDURES; AND FOR RELATED PURPOSES.

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

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

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

28 (3) Any person who is guilty of violating subsection (1) of
29 this section, which violation results in serious bodily injury of
30 another, upon conviction shall be committed to the custody of the
31 Department of Corrections for not less than three (3) nor more
32 than twenty (20) years of imprisonment.

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

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

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

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

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

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