

By: Senator(s) Carmichael, King, Chamberlin, Tollison To: Judiciary, Division B

SENATE BILL NO. 2231

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 AS A PRIMARY OFFENSE; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 97-9-73, Mississippi Code of 1972, is
6 amended as follows:

7 * * *

8 97-9-73. (1) It shall be unlawful for any person to
9 obstruct or resist by force, or violence, or threats, or in any
10 other manner, his lawful arrest or the lawful arrest of another
11 person by any state, local or federal law enforcement officer, and
12 any person or persons so doing shall be guilty of a misdemeanor,
13 and upon conviction thereof, shall be punished by a fine of not
14 more than Five Hundred Dollars (\$500.00), or by imprisonment in
15 the county jail not more than six (6) months, or both.

16 (2) * * * The driver of a motor vehicle who is given a
17 visible or audible signal by a law enforcement officer by hand,
18 voice, emergency light or siren directing the driver to bring his
19 motor vehicle to a stop when such signal is given by a law
20 enforcement officer acting in the lawful performance of duty upon
21 a reasonable suspicion of belief that the driver in question has
22 committed a crime, and who willfully fails to obey such direction
23 shall be guilty of a misdemeanor, and upon conviction shall be
24 punished by a fine not to exceed One Thousand Dollars (\$1,000.00)
25 or imprisoned in the county jail for a term not to exceed six (6)
26 months, or both. It shall not be unlawful for a person driving a
27 motor vehicle after dusk to proceed to the nearest well-lit

28 populated area, police station or fire station before stopping if
29 the driver does not exceed the speed limit. It shall be a defense
30 to misdemeanor prosecution under this subsection if the person did
31 not believe the law enforcement officer actually to be a law
32 enforcement officer because the officer was not in uniform or was
33 driving a vehicle not adequately identifiable as an official law
34 enforcement vehicle.

35 (3) Any person who is guilty of violating subsection (2) of
36 this section by operating a motor vehicle in such a manner as to
37 indicate a reckless or willful disregard for the safety of persons
38 or property, or who so operates a motor vehicle in a manner
39 manifesting extreme indifference to the value of human life, shall
40 be guilty of a felony, and upon conviction thereof, shall be
41 punished by a fine not to exceed Five Thousand Dollars
42 (\$5,000.00), or by commitment to the custody of the Department of
43 Corrections for not more than five (5) years, or both.

44 (4) Any person who is guilty of violating subsection (2) of
45 this section, which violation results in serious bodily injury of
46 another, upon conviction, shall be committed to the custody of the
47 Department of Corrections for not less than three (3) nor more
48 than twenty (20) years of imprisonment.

49 (5) Any person who is guilty of violating subsection (2) of
50 this section, which violation results in the death of another,
51 upon conviction, shall be committed to the custody of the
52 Department of Corrections for not less than five (5) nor more than
53 forty (40) years.

54 * * *

55 **SECTION 2.** This act shall take effect and be in force from
56 and after July 1, 2004.