

Senate Amendments to House Bill No. 1035

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

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

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

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE CRIME OF FLEEING OR ELUDING A LAW
2 ENFORCEMENT OFFICER IN A MOTOR VEHICLE; AND FOR RELATED PURPOSES.

SS02\HB1035A.J

John O. Gilbert
Secretary of the Senate