

By: Senator(s) England, McLendon, Branning,
Caughman

To: Judiciary, Division B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2073

1 AN ACT TO AMEND SECTION 97-9-72, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE OFFENSE OF FLEEING OR ELUDING A LAW ENFORCEMENT OFFICER
3 WHEN A MINOR IS PRESENT IN THE VEHICLE AT THE TIME OF THE OFFENSE;
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-9-72, Mississippi Code of 1972, is
7 amended as follows:

8 97-9-72. (1) (a) The driver of a motor vehicle who is
9 given a visible or audible signal by a law enforcement officer by
10 hand, voice, emergency light or siren directing the driver to
11 bring his motor vehicle to a stop when such signal is given by a
12 law enforcement officer acting in the lawful performance of duty
13 who has a reasonable suspicion to believe that the driver in
14 question has committed a crime, and who willfully fails to obey
15 such direction shall be guilty of a misdemeanor, and upon
16 conviction shall be punished by a fine not to exceed One Thousand
17 Dollars (\$1,000.00) or imprisoned in the county jail for a term
18 not to exceed six (6) months, or both.



19 (b) An adult driver who violates this subsection (1)
20 when one or more passengers are fifteen (15) years of age or
21 younger, is subject, upon conviction, to an enhanced punishment of
22 imprisonment in the county jail for a term not to exceed one (1)
23 year, in addition to the fine authorized.

24 (2) (a) Any person who is guilty of violating subsection
25 (1) of this section by operating a motor vehicle in such a manner
26 as to indicate a reckless or willful disregard for the safety of
27 persons or property, or who so operates a motor vehicle in a
28 manner manifesting extreme indifference to the value of human
29 life, shall be guilty of a felony, and upon conviction thereof,
30 shall be punished by a fine not to exceed Five Thousand Dollars
31 (\$5,000.00), or by commitment to the custody of the Mississippi
32 Department of Corrections for not more than five (5) years, or
33 both.

34 (b) An adult who is convicted under this subsection (2)
35 when one or more passengers at the time of the violation were
36 fifteen (15) years of age or younger is subject to an enhanced
37 punishment of imprisonment or fine, or both, of up to twice that
38 prescribed in subsection (2) (a).

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



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

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

50 (a) That the law enforcement officer was not in uniform
51 or that no law enforcement vehicle used in the attempted stop was
52 clearly marked as a law enforcement vehicle; * * *

53 (b) That the driver proceeded in a safe manner to a
54 reasonably near well-lit public place before stopping * * *; or

55 (c) That the driver proceeded in a safe manner to a
56 reasonably near section of roadway, more suitable for stopping, a
57 reasonably near side road or a reasonably near area designated for
58 public parking before stopping.

59 **SECTION 2.** This act shall take effect and be in force from
60 and after July 1, 2022, and shall stand repealed on June 30, 2022.

