

By: Senator(s) England

To: Judiciary, Division B

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



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

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

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

39 (5) An adult who violates subsection (1) of this section
40 when one or more passengers who are fifteen (15) years of age or
41 younger are inside the motor vehicle at the time of the violation,
42 upon conviction, shall be punished by a fine not to exceed One



43 Thousand Dollars (\$1,000.00), or imprisoned in the county jail for
44 a term not to exceed one (1) year, or both.

45 (6) An adult who violates subsection (2) of this section
46 when one or more passengers who are fifteen (15) years of age or
47 younger are inside the motor vehicle at the time of the violation,
48 upon conviction, shall be punished by commitment to the custody of
49 the Mississippi Department of Corrections for not less than three
50 (3) years nor more than five (5) years.

51 (* * *7) It is a defense to prosecution under this section:

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

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

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

61 **SECTION 2.** This act shall take effect and be in force from
62 and after July 1, 2022.

