

By: Representatives Bain, McKnight

To: Judiciary B

HOUSE BILL NO. 402

1 AN ACT TO AMEND SECTION 97-9-72, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE PENALTIES FOR THE CRIME OF FLEEING FROM LAW ENFORCEMENT  
3 IN A MOTOR VEHICLE; AND FOR RELATED PURPOSES.

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

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

7 97-9-72. (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 \* \* \* ten (10) years,  
27 or 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.** This act shall take effect and be in force from  
45 and after July 1, 2023.

