

By: Representatives Bain, McKnight

To: Judiciary B

HOUSE BILL NO. 402
(As Passed the House)

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; TO PROVIDE THE FACTORS THAT A COURT SHALL
4 CONSIDER WHEN DETERMINING WHETHER A POLICE WAS RECKLESS IN HIS OR
5 HER PURSUIT OF A SUSPECT; AND FOR RELATED PURPOSES.

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

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

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



20 (2) Any person who is guilty of violating subsection (1) of
21 this section by operating a motor vehicle in such a manner as to
22 indicate a reckless or willful disregard for the safety of persons
23 or property, or who so operates a motor vehicle in a manner
24 manifesting extreme indifference to the value of human life, shall
25 be guilty of a felony, and upon conviction thereof, shall be
26 punished by a fine not to exceed Five Thousand Dollars
27 (\$5,000.00), or by commitment to the custody of the Mississippi
28 Department of Corrections for not more than * * * ten (10) years,
29 or both.

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

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

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

41 (a) That the law enforcement officer was not in uniform
42 or that no law enforcement vehicle used in the attempted stop was
43 clearly marked as a law enforcement vehicle; or



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

46 (6) In determining whether a police was reckless in his or
47 her pursuit of a suspect, a court shall consider the following
48 factors:

49 (a) The length of the chase;

50 (b) The characteristics of the streets;

51 (c) The type of neighborhood;

52 (d) The seriousness of the suspect's offense;

53 (e) The experience and training of the officer;

54 (f) Whether the officer had available alternatives
55 which would lead to the apprehension of the suspect besides the
56 pursuit;

57 (g) The existence of police policy which prohibits
58 pursuit under the circumstances;

59 (h) The presence of vehicular or pedestrian traffic;

60 (i) The weather conditions and visibility;

61 (j) Whether the officer proceeded with sirens and blue
62 lights; and

63 (k) The rate of speed of the officer in comparison to
64 the posted speed limit.

65 **SECTION 2.** This act shall take effect and be in force from
66 and after July 1, 2023.

