

By: Senator(s) Fillingane, Hill, Branning,  
McCaughn

To: Judiciary, Division B

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2101

1 AN ACT TO AMEND SECTION 97-9-72, MISSISSIPPI CODE OF 1972, TO  
2 INCREASE THE MINIMUM TERM OF IMPRISONMENT FOR THE CRIME OF FLEEING  
3 OR ELUDING A LAW ENFORCEMENT OFFICER IN A MOTOR VEHICLE; TO AMEND  
4 SECTION 97-9-73, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY  
5 PERSON CONVICTED OF THE CRIME OF RESISTING OR OBSTRUCTING AN  
6 ARREST WHERE SERIOUS BODILY HARM OCCURS TO THE OFFICER SHALL BE  
7 GUILTY OF A FELONY; TO AMEND SECTION 97-3-117, MISSISSIPPI CODE OF  
8 1972, TO INCREASE THE MINIMUM TERM OF IMPRISONMENT FOR THE CRIMES  
9 OF CARJACKING AND ARMED CARJACKING; AND FOR RELATED PURPOSES.

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

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

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



22 (\$1,000.00) or imprisoned in the county jail for a term not to  
23 exceed six (6) months, or both.

24 (2) Any person who is guilty of violating subsection (1) of  
25 this section by operating a motor vehicle in such a manner as to  
26 indicate a reckless or willful disregard for the safety of persons  
27 or property, or who so operates a motor vehicle in a manner  
28 manifesting extreme indifference to the value of human life, shall  
29 be guilty of a felony, and upon conviction thereof, shall be  
30 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 (3) Any person who is guilty of violating subsection (1) of  
35 this section, which violation results in serious bodily injury of  
36 another, upon conviction, shall be committed to the custody of the  
37 Department of Corrections for not less than \* \* \* ten (10) nor  
38 more than twenty (20) years of imprisonment.

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

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



45 (a) That the law enforcement officer was not in uniform  
46 or that no law enforcement vehicle used in the attempted stop was  
47 clearly marked as a law enforcement vehicle; or

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

50 **SECTION 2.** Section 97-9-73, Mississippi Code of 1972, is  
51 amended as follows:

52 97-9-73. (1) It shall be unlawful for any person to  
53 obstruct or resist by force, or violence, or threats, or in any  
54 other manner, his lawful arrest or the lawful arrest of another  
55 person by any state, local or federal law enforcement officer, and  
56 any person or persons so doing shall be guilty of a misdemeanor,  
57 and upon conviction thereof, shall be punished by a fine of not  
58 more than Five Hundred Dollars (\$500.00), or by imprisonment in  
59 the county jail not more than six (6) months, or both.

60 (2) If any person commits an unlawful act under subsection  
61 (1) of this section and serious bodily harm to any state, local or  
62 federal law enforcement officer occurs, any person or persons so  
63 doing shall be guilty of a felony, and upon conviction thereof,  
64 shall be punished by a fine of not more than Five Hundred Dollars  
65 (\$500.00), or by imprisonment in the custody of the Mississippi  
66 Department of Corrections for not more than two (2) years, or  
67 both.

68 **SECTION 3.** Section 97-3-117, Mississippi Code of 1972, is  
69 amended as follows:



70           97-3-117. (1) Whoever shall knowingly or recklessly by  
71 force or violence, whether against resistance or by sudden or  
72 stealthy seizure or snatching, or by putting in fear, or  
73 attempting to do so, or by any other means shall take a motor  
74 vehicle from another person's immediate actual possession shall be  
75 guilty of carjacking.

76           (a) A person who is convicted of carjacking shall be  
77 fined not more than Five Thousand Dollars (\$5,000.00) and be  
78 committed to the custody of the State Department of Corrections  
79 for not less than five (5) years nor more than fifteen (15) years.

80           (b) A person who is convicted of attempted carjacking  
81 shall receive the same punishment as the person who is convicted  
82 of carjacking.

83           (2) Whoever commits the offense of carjacking while armed  
84 with or having readily available any pistol or other firearm or  
85 imitation thereof or other dangerous or deadly weapon, including a  
86 sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife,  
87 butcher knife, switchblade, razor, blackjack, billy, or metallic  
88 or other false knuckles, or any object capable of inflicting death  
89 or serious bodily harm, shall be guilty of armed carjacking.

90           (a) Any person who is convicted of armed carjacking  
91 shall be fined not more than Ten Thousand Dollars (\$10,000.00) and  
92 be committed to the custody of the State Department of Corrections  
93 for not less than ten (10) years nor more than thirty (30) years.



94 (b) Any person who is convicted of attempted armed  
95 carjacking shall receive the same punishment as the person who is  
96 convicted of armed carjacking.

97 (3) Any person convicted of a second or subsequent offense  
98 under this section shall be fined an amount up to twice that  
99 otherwise authorized and shall be imprisoned for a term of at  
100 least twice the minimum term provided for the offense and up to  
101 twice the maximum term otherwise authorized.

102 **SECTION 4.** This act shall take effect and be in force from  
103 and after July 1, 2023.

