

By: Senator(s) Fillingane

To: Judiciary, Division B

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 THE  
 5 CRIME OF RESISTING OR OBSTRUCTING AN ARREST SHALL BE A FELONY; TO  
 6 INCREASE THE MINIMUM TERM OF IMPRISONMENT FOR THE CRIME OF  
 7 RESISTING OR OBSTRUCTING AN ARREST; TO AMEND SECTION 97-3-117,  
 8 MISSISSIPPI CODE OF 1972, TO INCREASE THE MINIMUM TERM OF  
 9 IMPRISONMENT FOR THE CRIMES OF CARJACKING AND ARMED CARJACKING;  
 10 AND FOR RELATED PURPOSES.

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

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

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



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

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

35 (3) Any person who is guilty of violating subsection (1) of  
36 this section, which violation results in serious bodily injury of  
37 another, upon conviction, shall be committed to the custody of the  
38 Department of Corrections for not less than \* \* \* ten (10) nor  
39 more than twenty (20) years of imprisonment.

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

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



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

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

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

53 97-9-73. It shall be unlawful for any person to obstruct or  
54 resist by force, or violence, or threats, or in any other manner,  
55 his lawful arrest or the lawful arrest of another person by any  
56 state, local or federal law enforcement officer, and any person or  
57 persons so doing shall be guilty of a \* \* \* felony, and upon  
58 conviction thereof, shall be punished by a fine of not more than  
59 Five Hundred Dollars (\$500.00), or by imprisonment in the \* \* \*  
60 custody of the Mississippi Department of Corrections for not more  
61 than \* \* \* two (2) years, or both.

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

64 97-3-117. (1) Whoever shall knowingly or recklessly by  
65 force or violence, whether against resistance or by sudden or  
66 stealthy seizure or snatching, or by putting in fear, or  
67 attempting to do so, or by any other means shall take a motor  
68 vehicle from another person's immediate actual possession shall be  
69 guilty of carjacking.



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

74 (b) A person who is convicted of attempted carjacking  
75 shall receive the same punishment as the person who is convicted  
76 of carjacking.

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

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

88 (b) Any person who is convicted of attempted armed  
89 carjacking shall receive the same punishment as the person who is  
90 convicted of armed carjacking.

91 (3) Any person convicted of a second or subsequent offense  
92 under this section shall be fined an amount up to twice that  
93 otherwise authorized and shall be imprisoned for a term of at



94 least twice the minimum term provided for the offense and up to  
95 twice the maximum term otherwise authorized.

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

