

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

To: Judiciary, Division B

SENATE BILL NO. 2101
(As Passed the Senate)

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
4 PROVIDE THAT THE MINIMUM TERMS IMPOSED UNDER THIS SECTION SHALL
5 NOT BE REDUCED OR SUSPENDED OR ELIGIBLE FOR PROBATION OR PAROLE;
6 TO AMEND SECTION 97-9-73, MISSISSIPPI CODE OF 1972, TO PROVIDE
7 THAT ANY PERSON CONVICTED OF THE CRIME OF RESISTING OR OBSTRUCTING
8 AN ARREST WHERE SERIOUS BODILY HARM OCCURS TO THE OFFICER SHALL BE
9 GUILTY OF A FELONY; TO AMEND SECTION 97-3-117, MISSISSIPPI CODE OF
10 1972, TO INCREASE THE MINIMUM TERM OF IMPRISONMENT FOR THE CRIMES
11 OF CARJACKING AND ARMED CARJACKING; TO PROVIDE THAT THE MINIMUM
12 TERMS IMPOSED UNDER THIS SECTION SHALL NOT BE REDUCED OR SUSPENDED
13 OR ELIGIBLE FOR PROBATION OR PAROLE; AND FOR RELATED PURPOSES.

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

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

17 97-9-72. (1) The driver of a motor vehicle who is given a
18 visible or audible signal by a law enforcement officer by hand,
19 voice, emergency light or siren directing the driver to bring his
20 motor vehicle to a stop when such signal is given by a law
21 enforcement officer acting in the lawful performance of duty who
22 has a reasonable suspicion to believe that the driver in question
23 has committed a crime, and who willfully fails to obey such



24 direction shall be guilty of a misdemeanor, and upon conviction
25 shall be punished by a fine not to exceed One Thousand Dollars
26 (\$1,000.00) or imprisoned in the county jail for a term not to
27 exceed six (6) months, or both.

28 (2) Any person who is guilty of violating subsection (1) of
29 this section by operating a motor vehicle in such a manner as to
30 indicate a reckless or willful disregard for the safety of persons
31 or property, or who so operates a motor vehicle in a manner
32 manifesting extreme indifference to the value of human life, shall
33 be guilty of a felony, and upon conviction thereof, shall be
34 punished by a fine not to exceed Five Thousand Dollars
35 (\$5,000.00), or by commitment to the custody of the Mississippi
36 Department of Corrections for not more than five (5) years, or
37 both.

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

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

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



49 (a) That the law enforcement officer was not in uniform
50 or that no law enforcement vehicle used in the attempted stop was
51 clearly marked as a law enforcement vehicle; or

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

54 (6) Notwithstanding any other law to the contrary, the
55 minimum terms imposed under subsections (3) and (4) of this
56 section shall not be reduced or suspended nor shall such person be
57 eligible for probation or parole before the expiration of the
58 minimum term of incarceration.

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

61 97-9-73. (1) It shall be unlawful for any person to
62 obstruct or resist by force, or violence, or threats, or in any
63 other manner, his lawful arrest or the lawful arrest of another
64 person by any state, local or federal law enforcement officer, and
65 any person or persons so doing shall be guilty of a misdemeanor,
66 and upon conviction thereof, shall be punished by a fine of not
67 more than Five Hundred Dollars (\$500.00), or by imprisonment in
68 the county jail not more than six (6) months, or both.

69 (2) If any person commits an unlawful act under subsection
70 (1) of this section and serious bodily harm to any state, local or
71 federal law enforcement officer occurs, any person or persons so
72 doing shall be guilty of a felony, and upon conviction thereof,
73 shall be punished by a fine of not more than Five Hundred Dollars



74 (\$500.00), or by imprisonment in the custody of the Mississippi
75 Department of Corrections for not more than two (2) years, or
76 both.

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

79 97-3-117. (1) Whoever shall knowingly or recklessly by
80 force or violence, whether against resistance or by sudden or
81 stealthy seizure or snatching, or by putting in fear, or
82 attempting to do so, or by any other means shall take a motor
83 vehicle from another person's immediate actual possession shall be
84 guilty of carjacking.

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

89 (b) A person who is convicted of attempted carjacking
90 shall receive the same punishment as the person who is convicted
91 of carjacking.

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



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

103 (b) Any person who is convicted of attempted armed
104 carjacking shall receive the same punishment as the person who is
105 convicted of armed carjacking.

106 (3) Any person convicted of a second or subsequent offense
107 under this section shall be fined an amount up to twice that
108 otherwise authorized and shall be imprisoned for a term of at
109 least twice the minimum term provided for the offense and up to
110 twice the maximum term otherwise authorized.

111 (4) Notwithstanding any other law to the contrary, the
112 minimum terms imposed under this section shall not be reduced or
113 suspended nor shall such person be eligible for probation or
114 parole before the expiration of the minimum term of incarceration.

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

