

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

To: Judiciary, Division B

SENATE BILL NO. 2101
(As Sent to Governor)

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 97-3-117, MISSISSIPPI CODE OF 1972, TO INCREASE THE
5 MINIMUM TERM OF IMPRISONMENT FOR THE CRIMES OF CARJACKING AND
6 ARMED CARJACKING; TO PROVIDE THAT THE MINIMUM TERMS IMPOSED UNDER
7 THIS SECTION SHALL NOT BE REDUCED OR SUSPENDED; TO PROVIDE THAT
8 THE DEFENDANT SHALL NOT BE ELIGIBLE FOR ELECTRONIC MONITORING,
9 HOUSE ARREST OR INTENSIVE SUPERVISION; 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 * * * ten (10) years,
33 or 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 * * * five (5) 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 * * * seven (7) 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 97-3-117, Mississippi Code of 1972, is
51 amended as follows:

52 97-3-117. (1) Whoever shall knowingly or recklessly by
53 force or violence, whether against resistance or by sudden or
54 stealthy seizure or snatching, or by putting in fear, or
55 attempting to do so, or by any other means shall take a motor
56 vehicle from another person's immediate actual possession shall be
57 guilty of carjacking.

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

62 (b) A person who is convicted of attempted carjacking
63 shall receive the same punishment as the person who is convicted
64 of carjacking.

65 (2) Whoever commits the offense of carjacking while armed
66 with or having readily available any pistol or other firearm or
67 imitation thereof or other dangerous or deadly weapon, including a
68 sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife,
69 butcher knife, switchblade, razor, blackjack, billy, or metallic



70 or other false knuckles, or any object capable of inflicting death
71 or serious bodily harm, shall be guilty of armed carjacking.

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

76 (b) Any person who is convicted of attempted armed
77 carjacking shall receive the same punishment as the person who is
78 convicted of armed carjacking.

79 (3) Any person convicted of a second or subsequent offense
80 under this section shall be fined an amount up to twice that
81 otherwise authorized and shall be imprisoned for a term of at
82 least twice the minimum term provided for the offense and up to
83 twice the maximum term otherwise authorized.

84 (4) Notwithstanding any other law to the contrary, the
85 minimum terms imposed under this section shall not be reduced or
86 suspended nor shall the defendant be eligible for electronic
87 monitoring, house arrest or intensive supervision.

88 **SECTION 3.** This act shall take effect and be in force from
89 and after July 1, 2023.

