

By: Representative Eaton

To: Judiciary B

HOUSE BILL NO. 1494

1 AN ACT TO AMEND SECTION 97-9-73, MISSISSIPPI CODE OF 1972, TO
2 CLARIFY THE OFFENSE OF FLEEING A LAW ENFORCEMENT OFFICER WHILE IN
3 A MOTOR VEHICLE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 97-9-73, Mississippi Code of 1972, is
6 amended as follows:

7 97-9-73. (1) It shall be unlawful for any person to
8 obstruct or resist by force, or violence, or threats, or in any
9 other manner, his lawful arrest or the lawful arrest of another
10 person by any state, local or federal law enforcement officer, and
11 any person or persons so doing shall be guilty of a misdemeanor,
12 and upon conviction thereof, shall be punished by a fine of not
13 more than Five Hundred Dollars (\$500.00), or by imprisonment in
14 the county jail not more than six (6) months, or both.

15 (2) It shall be unlawful for any person to wilfully and
16 unlawfully flee in a motor vehicle from any law enforcement
17 officer of the state, local or federal government, acting lawfully
18 within the scope of his duties, when such law enforcement officer
19 has reasonable belief that the driver or occupant of such motor
20 vehicle may be involved in criminal activity, and such officer is
21 exhibiting an activated flashing, blinking, oscillating or
22 strobing blue light that is visible to the fleeing person or
23 persons and such officer is sounding an audible signal by siren
24 that is audible for a distance of five hundred (500) feet under
25 the existing conditions.

26 It shall be lawful for a person to continue traveling to the
27 first well lighted location or safe exit out of traffic before

28 stopping so long as the vehicle is operated at a lawful speed, no
29 occupant of the motor vehicle performs any hazardous violations of
30 Mississippi law, and no occupant of the motor vehicle ejects
31 anything from the motor vehicle, or flees from the motor vehicle.

32 (a) Any person who violates subsection (2) of this
33 section and during the violation does not violate the lawfully
34 posted speed limits during such violation or any of the occupants
35 of the vehicle do not commit any violent or hazardous act or any
36 occupant of such motor vehicle during such violation does not flee
37 from the motor vehicle or eject any items from the motor vehicle
38 is guilty of resisting arrest in a motor vehicle, a misdemeanor,
39 and upon conviction, shall be fined not less than One Hundred
40 Dollars (\$100.00) nor more than Two Hundred Fifty Dollars
41 (\$250.00) or imprisoned for not more than two (2) days in jail or
42 by both such fine and imprisonment.

43 (b) Any person who violates subsection (2) of this
44 section and during such violation violates the posted speed limit
45 or commits any hazardous or violent acts or ejects anything from
46 the motor vehicle, or flees from the motor vehicle is guilty of
47 resisting arrest hazardously in a motor vehicle, a misdemeanor,
48 and upon conviction, shall be fined not less than Five Hundred
49 Dollars (\$500.00) nor more than Three Thousand Dollars (\$3,000.00)
50 or imprisoned for not less than two (2) days nor more than one (1)
51 year, or by both such fine and imprisonment. The Commissioner of
52 Public Safety shall suspend the driving privilege of such person
53 violating subsection (2)(b) of this section for a period of one
54 (1) year after a final conviction has been established and no
55 hardship or early reinstatement of the violator's driving
56 privilege shall take place.

57 (c) Any person who violates subsection (2) of this
58 section and during such violation causes property damage to public
59 property or private property shall be guilty of resisting arrest
60 destructively in a motor vehicle, a misdemeanor, and upon

61 conviction shall pay restitution in the amount of one and
62 one-fourth (1-1/4) items the cost to repair or replace the damaged
63 or destroyed property as per the least of two (2) appraisals
64 conducted by the court having jurisdiction, and shall be fined not
65 less than Five Hundred Dollars (\$500.00) nor more than Three
66 Thousand Dollars (\$3,000.00) and shall be imprisoned for not less
67 than two (2) days nor more than one (1) year, or by both such fine
68 and imprisonment. The Commissioner of Public Safety shall suspend
69 the driving privilege of such person violating subsection 2(c) of
70 this section for a period of one (1) year after a final conviction
71 has been established and no hardship or early reinstatement of the
72 violator's driving privilege shall take place.

73 (d) Any person who violates subsection (2) of this
74 section and during such violation causes minor injury to any
75 person or persons, shall be guilty of resisting arrest by simple
76 injury in a motor vehicle, a misdemeanor, and upon conviction
77 shall be fined not less than Two Thousand Dollars (\$2,000.00) nor
78 more than Five Thousand Dollars (\$5,000.00) and shall be
79 imprisoned for not less than ten (10) days nor more than one (1)
80 year. The Commissioner of Public Safety shall suspend the driving
81 privilege of said person violating subsection (2)(d) of this
82 section for a period of two (2) years after a final conviction has
83 been established and no hardship or early reinstatement of the
84 violator's driving privilege shall take place.

85 (e) Any person who violates subsection (2) of this
86 section and during such violation of causes the death of any
87 person or causes the mutilation, disfigurement, disabling, or
88 scarring or any person's body shall be guilty of feloniously
89 resisting arrest in a motor vehicle, a felony, and upon conviction
90 shall be fined not less than Five Thousand Dollars (\$5,000.00) nor
91 more than Fifty Thousand Dollars (\$50,000.00) and shall be
92 imprisoned for not less than five (5) years nor more than
93 twenty-five (25) years in the State Penitentiary. The

94 Commissioner of Public Safety shall suspend the driving privilege
95 of the person violating subsection (2)(e) of this section for a
96 period of five (5) years after a final conviction has been
97 established and no hardship or early reinstatement of the
98 violator's driving privilege shall take place.

99 **SECTION 2.** This act shall take effect and be in force from
100 and after July 1, 2005.