

1 HB52  
2 164529-1  
3 By Representative Fincher  
4 RFD: Public Safety and Homeland Security  
5 First Read: 03-MAR-15  
6 PFD: 02/27/2015

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8 SYNOPSIS: Under existing law, a person is guilty of a  
9 Class A misdemeanor if he or she attempts to elude  
10 a law enforcement officer, unless he or she causes  
11 physical injury to an innocent bystander or third  
12 party, in which case it is a Class C felony.

13 This bill would also apply the enhanced  
14 felony penalty to defendants who cause death or  
15 serious physical injury to a law enforcement  
16 officer in pursuit of a person attempting to elude  
17 the officer.

18 This bill would apply the enhanced felony  
19 penalty only if serious physical injuries are  
20 caused to innocent bystanders, third parties, or a  
21 law enforcement officer.

22 Amendment 621 of the Constitution of Alabama  
23 of 1901, now appearing as Section 111.05 of the  
24 Official Recompilation of the Constitution of  
25 Alabama of 1901, as amended, prohibits a general  
26 law whose purpose or effect would be to require a  
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local  
2 governmental entity without enactment by a 2/3 vote  
3 unless: it comes within one of a number of  
4 specified exceptions; it is approved by the  
5 affected entity; or the Legislature appropriates  
6 funds, or provides a local source of revenue, to  
7 the entity for the purpose.

8 The purpose or effect of this bill would be  
9 to require a new or increased expenditure of local  
10 funds within the meaning of the amendment. However,  
11 the bill does not require approval of a local  
12 governmental entity or enactment by a 2/3 vote to  
13 become effective because it comes within one of the  
14 specified exceptions contained in the amendment.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 To amend Section 13A-10-52, Code of Alabama 1975, to  
21 apply an enhanced felony penalty to defendants who cause death  
22 or serious physical injury to a law enforcement officer in  
23 pursuit of a person attempting to elude an officer; and in  
24 connection therewith would have as its purpose or effect the  
25 requirement of a new or increased expenditure of local funds  
26 within the meaning of Amendment 621 of the Constitution of  
27 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,  
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 13A-10-52, Code of Alabama 1975,  
5 is amended to read as follows:

6 "§13A-10-52.

7 "(a) It shall be unlawful for a person to  
8 intentionally flee by any means from anyone the person knows  
9 to be a law enforcement officer if the person knows the  
10 officer is attempting to arrest the person.

11 "(b) It shall be unlawful for a person while  
12 operating a motor vehicle on a street, road, alley, or highway  
13 in this state, to intentionally flee or attempt to elude a law  
14 enforcement officer after having received a signal from the  
15 officer to bring the vehicle to a stop.

16 "(c) A violation of subsection (a) or (b) is a Class  
17 A misdemeanor unless the flight or attempt to elude causes an  
18 actual death or serious physical injury to the pursuing law  
19 enforcement officer, an innocent bystanders bystander, or any  
20 other third parties party, in which case the violation shall  
21 be a Class C felony. In addition, the court shall order the  
22 suspension of the driver's license of the defendant for a  
23 period of not less than six months nor more than two years."

24 Section 2. Although this bill would have as its  
25 purpose or effect the requirement of a new or increased  
26 expenditure of local funds, the bill is excluded from further  
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 of the Official Recompilation of  
2 the Constitution of Alabama of 1901, as amended, because the  
3 bill defines a new crime or amends the definition of an  
4 existing crime.

5 Section 3. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.