

1 SB40
2 164134-1
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 03-MAR-15
6 PFD: 02/23/2015

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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.