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3 HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR HB239
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8 SYNOPSIS: Under existing law, a violation of fleeing
9 or attempting to elude a law enforcement officer is
10 a felony if the flight or attempt to elude causes
11 death or physical injury to an innocent bystander
12 or a third party.

13 This bill would include additional activity
14 that would constitute a felony for fleeing or
15 attempting to elude a law enforcement officer.

16 Amendment 621 of the Constitution of Alabama
17 of 1901, as amended by Amendment 890, now appearing
18 as Section 111.05 of the Official ReCompilation of
19 the Constitution of Alabama of 1901, as amended,
20 prohibits a general law whose purpose or effect
21 would be to require a new or increased expenditure
22 of local funds from becoming effective with regard
23 to a local governmental entity without enactment by
24 a 2/3 vote unless: it comes within one of a number
25 of specified exceptions; it is approved by the
26 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment.

6 However, the bill does not require approval of a
7 local governmental entity or enactment by a 2/3
8 vote to become effective because it comes within
9 one of the specified exceptions contained in the
10 amendment.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT

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16 Relating to crimes and offenses; to amend Section
17 13A-10-52, Code of Alabama 1975, to revise the criminal
18 penalties for violations of fleeing or attempting to elude law
19 enforcement; and in connection therewith would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds within the meaning of Amendment 621
22 of the Constitution of Alabama of 1901, as amended by
23 Amendment 890, now appearing as Section 111.05 of the Official
24 Recompilation of the Constitution of Alabama of 1901, as
25 amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§13A-10-52.

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

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

13 "(c) (1) A violation of subsection (a) or (b) is a
14 Class A misdemeanor ~~unless the~~.

15 "(2) A violation of subsection (a) or (b) is a Class
16 C felony if the flight or attempt to elude results in the
17 offender crossing the lines of the State of Alabama into a
18 neighboring state or causes an actual death or physical injury
19 to innocent bystanders or third parties, in which case the
20 violation shall be a Class C felony. In addition, the any
21 other person.

22 "(3) A violation of subsection (a) or (b) is a Class
23 B felony if the flight or attempt to elude causes serious
24 physical injury or death to any other person.

25 "(d) Upon conviction of subsection (a) or (b), the
26 court shall order the suspension of the driver's license of

1 the defendant for a period of not less than six months nor
2 more than two years."

3 Section 2. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, as amended
7 by Amendment 890, now appearing as Section 111.05 of the
8 Official Recompilation of the Constitution of Alabama of 1901,
9 as amended, because the bill defines a new crime or amends the
10 definition of an existing crime.

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