- 1 HB239
- 2 211081-4
- 3 By Representative Shaver
- 4 RFD: Judiciary
- 5 First Read: 02-FEB-21
- 6 PFD: 02/01/2021

1	ENGROSSED
2	
3	
4	A BILL
5	TO BE ENTITLED
6	AN ACT
7	
8	Relating to crimes and offenses; to amend Section
9	13A-10-52, Code of Alabama 1975, to revise the criminal
10	penalties for violations of fleeing or attempting to elude law
11	enforcement; and in connection therewith would have as its
12	purpose or effect the requirement of a new or increased
13	expenditure of local funds within the meaning of Amendment 621
14	of the Constitution of Alabama of 1901, as amended by
15	Amendment 890, now appearing as Section 111.05 of the Official
16	Recompilation of the Constitution of Alabama of 1901, as
17	amended.
18	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
19	Section 1. Section 13A-10-52, Code of Alabama 1975,
20	is amended to read as follows:
21	"§13A-10-52.
22	"(a) It shall be unlawful for a person to
23	intentionally flee by any means from anyone the person knows
24	to be a law enforcement officer if the person knows the
25	officer is attempting to arrest the person.
26	"(b) It shall be unlawful for a person while
27	operating a motor vehicle on a street, road, alley, or highway

in this state, to intentionally flee or attempt to elude a law 1 2 enforcement officer after having received a signal from the officer to bring the vehicle to a stop. 3 "(c)(1) A violation of subsection (a) or (b) is a 4 5 Class A misdemeanor unless the. "(2) A violation of subsection (a) or (b) is a Class 6 7 C felony if the flight or attempt to elude results in the offender crossing the lines of the State of Alabama into a 8 9 neighboring state or causes an actual death or physical injury 10 C felony if either of the following occur: a. While committing a separate felony, the flight or 11 12 attempt to elude causes an actual death or results in the 13 offender crossing the lines of the State of Alabama into a 14 neighboring state. 15 b. The flight or attempt to elude causes physical injury to innocent bystanders or third parties, in which case 16 17 the violation shall be a Class C felony. In addition, the any 18 other person. "(3) A violation of subsection (a) or (b) is a Class 19 20 B felony if the flight or attempt to elude causes serious 21 physical injury or death to any other person. "(d) Upon conviction of subsection (a) or (b), the 22 23 court shall order the suspension of the driver's license of 24 the defendant for a period of not less than six months nor 25 more than two years." Section 2. Although this bill would have as its 26

purpose or effect the requirement of a new or increased

27

expenditure of local funds, the bill is excluded from further
requirements and application under Amendment 621, as amended
by Amendment 890, now appearing as Section 111.05 of the
Official Recompilation of the Constitution of Alabama of 1901,
as amended, because the bill defines a new crime or amends the
definition of an existing crime.

Section 3. This act shall become effective on the

first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

8

Т	
2	
3	House of Representatives
4 5 6	Read for the first time and re- ferred to the House of Representa- tives committee on Judiciary 02-FEB-21
7 8 9 10	Read for the second time and placed on the calendar with 1 substitute and
11 12 13 14	Read for the third time and passed as amended
15 16 17 18	Jeff Woodard Clerk