

1 HB239
2 208458-1
3 By Representative Shaver
4 RFD: Judiciary
5 First Read: 02-FEB-21
6 PFD: 02/01/2021

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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, now appearing as Section 111.05 of the
18 Official Recompilation of the Constitution of
19 Alabama of 1901, as amended, prohibits a general
20 law whose purpose or effect would be to require a
21 new or increased expenditure of local funds from
22 becoming effective with regard to a local
23 governmental entity without enactment by a 2/3 vote
24 unless: it comes within one of a number of
25 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.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

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, now appearing as
23 Section 111.05 of the Official ReCompilation of the
24 Constitution of Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 "§13A-10-52.

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

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

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

13 "(2) A violation of subsection (a) or (b) is a Class
14 C felony if the flight or attempt to elude causes ~~an actual~~
15 death or physical injury to ~~innocent bystanders or third~~
16 ~~parties, in which case the violation shall be a Class C~~
17 ~~felony. In addition, the~~ any other person.

18 "(d) Upon conviction of subsection (a) or (b), the
19 court shall order the suspension of the driver's license of
20 the defendant for a period of not less than six months nor
21 more than two years."

22 Section 2. Although this bill would have as its
23 purpose or effect the requirement of a new or increased
24 expenditure of local funds, the bill is excluded from further
25 requirements and application under Amendment 621, now
26 appearing as Section 111.05 of the Official ReCompilation of
27 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

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