

SB233 INTRODUCED



1 SB233
2 YMRFX6N-1
3 By Senator Bell
4 RFD: Judiciary
5 First Read: 29-Jan-26



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4 SYNOPSIS:

5 Under existing law, eluding or attempting to
6 elude a law enforcement officer is a Class A
7 misdemeanor, Class C felony, or Class B felony based on
8 the circumstances of the offense.

9 This bill would provide that eluding or
10 attempting to elude a law enforcement officer is a
11 Class D felony.

12 This bill would provide that eluding or
13 attempting to elude a law enforcement officer is also a
14 Class C felony if, during the flight or attempt to
15 elude, any of the following conditions exist: (i) a
16 child under 14 years of age is present in the vehicle;
17 (ii) the flight or attempt to elude occurs while the
18 offender is released on bail, probation, or parole, or
19 while the offender is serving a sentence in a community
20 corrections or work release program; or (iii) the
21 offender has previously been convicted of eluding or
22 attempting to elude.

23 This bill would provide that eluding or
24 attempting to elude a law enforcement officer is a
25 Class B felony if, during the flight or attempt to
26 elude, either of the following conditions exist: (i)
27 the offender strikes or attempts to strike a law
28 enforcement officer or a vehicle occupied by a law

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29 enforcement officer; or (ii) the offender has two or
30 more previous convictions for eluding or attempting to
31 elude.

32 Under existing law, a court is required to
33 suspend the driver license of a person convicted of
34 eluding or attempting to elude a law enforcement
35 officer.

36 This bill would provide that, in the case of
37 multiple convictions of eluding or attempting to elude,
38 the court would be required to sentence the offender to
39 a minimum of 90 days confinement for a second
40 conviction and a minimum of 180 days confinement for a
41 third or subsequent conviction.

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44 A BILL
45 TO BE ENTITLED
46 AN ACT

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48 Relating to crimes and offenses; to amend Section
49 13A-10-52, Code of Alabama 1975; to include various conditions
50 under which the crime of eluding or attempting to elude a law
51 enforcement officer is subject to heightened criminal
52 penalties; and to provide certain mandatory minimum penalties
53 for multiple convictions of eluding or attempting to elude a
54 law enforcement officer.

55 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

56 Section 1. Section 13A-10-52, Code of Alabama 1975, is



57 amended to read as follows:

58 "§13A-10-52

59 (a) It shall be unlawful for a person to intentionally
60 flee by any means from anyone the person knows to be a law
61 enforcement officer if the person knows the officer is
62 attempting to arrest the person.

63 (b) It shall be unlawful for a person, while operating
64 a motor vehicle on a street, road, alley, or highway in this
65 state, to intentionally flee or attempt to elude a law
66 enforcement officer after having received a signal from the
67 officer to bring the vehicle to a stop.

68 (c) (1) A violation of subsection (a) or (b) is a ~~Class~~
69 A misdemeanorClass D felony.

70 (2) A violation of subsection (a) or (b) is a Class C
71 felony if any of the following occur:

72 a. The flight or attempt to elude causes the offender
73 to strike or collide with another vehicle or pedestrian.

74 b. The flight or attempt to elude causes physical
75 injury to any other person.

76 c. The flight or attempt to elude results in the
77 offender crossing the lines of this state into a neighboring
78 state.

79 d. During the flight or attempt to elude, a child under
80 14 years of age is present in the vehicle.

81 e. The flight or attempt to elude occurs while the
82 offender is released on bail, probation, or parole, or while
83 the offender is serving a sentence in a community corrections
84 or work release program.



85 f. At the time of the offense, the offender has a
86 previous conviction for a violation of subsection (a) or (b).

87 (3) A violation of subsection (a) or (b) is a Class B
88 felony if ~~either~~any of the following occur:

89 a. The flight or attempt to elude causes serious
90 physical injury or death to any other person.

91 b. During the flight or attempt to elude, the person
92 exceeds 20 miles per hour over the legal maximum speed limit.

93 c. During the flight or attempt to elude, the offender
94 strikes or attempts to strike a law enforcement officer or a
95 vehicle occupied by a law enforcement officer.

96 d. At the time of the offense, the offender has two or
97 more previous convictions for a violation of subsection (a) or
98 (b).

99 (d) (1) Upon conviction for a violation of subsection
100 (a) or (b), the court shall order the suspension of the driver
101 license of the defendant for a period of not less than six
102 months nor more than two years.

103 (2) Upon a second conviction for a violation of
104 subsection (a) or (b) within a 10-year period of time, as
105 measured from the dates of previous arrests for which
106 convictions were obtained to the date of the current arrest
107 for which a conviction is obtained, the court shall sentence
108 the defendant to a minimum of 90 days confinement.

109 (3) Upon a third or subsequent conviction for a
110 violation of subsection (a) or (b) within a 10-year period of
111 time, as measured from the dates of previous arrests for which
112 convictions were obtained to the date of the current arrest



113 for which a conviction is obtained, the court shall sentence
114 the defendant to a minimum of 180 days confinement.

115 (e) It is not a violation of this section for an
116 individual to continue traveling at or below the speed limit,
117 with or without the vehicle's flashers turned on, with the
118 intent of stopping the vehicle at the nearest safe place.

119 (f) If an individual charged with a violation of this
120 section is arrested by a municipal law enforcement agency and
121 detained in the county jail, the arresting municipality shall
122 reimburse the county commission for any medical costs
123 associated with the individual's detention."

124 Section 2. This act shall become effective on October
125 1, 2026.