

SB233 INTRODUCED



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



SYNOPSIS:

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

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

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

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



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

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

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

A BILL

TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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



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amended to read as follows:

"§13A-10-52

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

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

(c) (1) A violation of subsection (a) or (b) is a ~~Class~~
~~A-misdemeanor~~ Class D felony.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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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.