

1 HB509
2 117251-2
3 By Representatives Johnson and Hurst
4 RFD: Judiciary
5 First Read: 04-FEB-10

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ENGROSSED

A BILL
TO BE ENTITLED
AN ACT

To amend Section 3 of Act 2009-616 of the 2009 Regular Session (Acts 2009, p. 1779), now appearing as Section 13A-10-52 of the Code of Alabama 1975, providing for the crime of fleeing or attempting to elude a law enforcement officer; to include causing death or physical injury to a law enforcement officer in the felony enhancement provision; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 3 of Act 2009-616 of the 2009 Regular Session (Acts 2009, p. 1779), now appearing as Section 13A-10-52 of the Code of Alabama 1975, is amended to read as follows:

"§13A-10-52.

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

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

10 "(c) A violation of subsection (a) or (b) is a Class
11 A misdemeanor unless the flight or attempt to elude causes ~~an~~
12 ~~actual~~ death or physical injury to an innocent bystanders or
13 bystander, a third parties party, or a law enforcement
14 officer, in which case the violation shall be a Class C
15 felony. In addition, the court shall order the suspension of
16 the driver's license of the defendant for a period of not less
17 than six months nor more than two years."

18 (d) The penalties provided in subsection (c) shall
19 not apply if the law enforcement officer is in an unmarked
20 vehicle.

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 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
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 04-FEB-10

Read for the second time and placed
on the calendar 25-FEB-10

Read for the third time and passed
as amended 23-MAR-10

Yeas 95, Nays 0, Abstains 1

Greg Pappas
Clerk