

1 HB337
2 215727-1
3 By Representatives Shaver, Stadthagen, Robertson, Moore (P),
4 Bedsole, Reynolds, Oliver, Treadaway and Standridge
5 RFD: Judiciary
6 First Read: 10-FEB-22

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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, as amended by Amendment 890, now appearing
18 as Section 111.05 of the Official ReCompilation of
19 the Constitution of Alabama of 1901, as amended,
20 prohibits a general law whose purpose or effect
21 would be to require a new or increased expenditure
22 of local funds from becoming effective with regard
23 to a local governmental entity without enactment by
24 a 2/3 vote unless: it comes within one of a number
25 of 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, as amended by
23 Amendment 890, now appearing as Section 111.05 of the Official
24 Recompilation of the Constitution of Alabama of 1901, as
25 amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§13A-10-52.

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

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

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

15 "(2) A violation of subsection (a) or (b) is a Class
16 C felony under either of the following circumstances:

17 "a. Both of the following occur:

18 "1. The law enforcement officer attempting to arrest
19 the person has an arrest warrant for or has reasonable
20 suspicion that the person has committed a felony offense.

21 "2. The flight or attempt to elude ~~causes an actual~~
22 ~~death or~~ results in the offender crossing the lines of the
23 State of Alabama into a neighboring state.

24 "b. The flight or attempt to elude causes physical
25 injury to ~~innocent bystanders or third parties, in which case~~
26 ~~the violation shall be a Class C felony. In addition, the~~ any
27 other person.

1 "(3) A violation of subsection (a) or (b) is a Class
2 B felony if the flight or attempt to elude causes serious
3 physical injury or death to any other person.

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

8 Section 2. Although this bill would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds, the bill is excluded from further
11 requirements and application under Amendment 621, as amended
12 by Amendment 890, now appearing as Section 111.05 of the
13 Official Recompilation of the Constitution of Alabama of 1901,
14 as amended, because the bill defines a new crime or amends the
15 definition of an existing crime.

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