

HB272 INTRODUCED



1 QNAG15-1

2 By Representatives Shaver, Bedsole, Butler, Harrison,
3 Robertson, Hulsey, Pettus, Oliver, Colvin, Kitchens, Stringer,
4 Woods, Treadaway, Starnes, Fincher, Easterbrook, Wood (R),
5 Moore (P), Reynolds, Standridge, Carns, Stadthagen

6 RFD: Judiciary

7 First Read: 06-Apr-23

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SYNOPSIS:

Under existing law, a violation of fleeing or attempting to elude a law enforcement officer is a felony if the flight or attempt to elude causes death or physical injury to an innocent bystander or a third party.

This bill would include additional activity that would constitute a felony for fleeing or attempting to elude a law enforcement officer.

Section 111.05 of the Constitution of Alabama of 2022, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions



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29 contained in the amendment.

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A BILL

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TO BE ENTITLED

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AN ACT

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36 Relating to crimes and offenses; to amend Section
37 13A-10-52, Code of Alabama 1975, to revise the criminal
38 penalties for violations of fleeing or attempting to elude law
39 enforcement; and in connection therewith would have as its
40 purpose or effect the requirement of a new or increased
41 expenditure of local funds within the meaning of Section
42 111.05 of the Constitution of Alabama of 2022.

43 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

46 "§13A-10-52

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

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

56 (c) (1) A violation of subsection (a) or (b) is a Class



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57 A misdemeanor ~~unless the~~.

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

60 a. While committing a separate felony or while fleeing
61 to avoid apprehension from an arrest warrant for another
62 felony offense, the flight or attempt to elude ~~causes an~~
63 ~~actual death or~~ results in the offender crossing the lines of
64 the State of Alabama into a neighboring state.

65 b. The flight or attempt to elude causes physical
66 injury to ~~innocent bystanders or third parties, in which case~~
67 ~~the violation shall be a Class C felony. In addition, the any~~
68 other person.

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

72 (d) Upon conviction of subsection (a) or (b), the
73 court shall order the suspension of the ~~driver's~~ driver
74 license of the defendant for a period of not less than six
75 months nor more than two years."

76 Section 2. Although this bill would have as its purpose
77 or effect the requirement of a new or increased expenditure of
78 local funds, the bill is excluded from further requirements
79 and application under Section 111.05 of the Constitution of
80 Alabama of 2022, because the bill defines a new crime or
81 amends the definition of an existing crime.

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