



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1408

aggravated unlawful flight; law enforcement

Purpose

Establishes the offense of *aggravated unlawful flight from a pursuing law enforcement vehicle* and classifies a violation as a class 4 felony, or a class 2 felony depending on the nature of the offense.

Background

A driver of a motor vehicle who wilfully flees or attempts to elude a pursuing law enforcement vehicle is guilty of a class 5 felony if the law enforcement vehicle is either: 1) being operated with flashing lights as permitted for emergency and law enforcement vehicles; or 2) unmarked, and the driver either admits to knowing the vehicle was an official law enforcement vehicle, or evidence shows that the driver knew the vehicle was an official law enforcement vehicle ([A.R.S. § 28-622.01](#)).

A class 5 felony carries a presumptive prison sentence of 1.5 years and a fine not to exceed \$150,000 to be determined by the court. A class 4 felony carries a presumptive prison sentence of 2.5 years, and a class 2 felony carries a presumptive prison sentence of 5 years ([A.R.S. § 13-702](#) and [13-801](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Establishes that a driver of a motor vehicle commits *aggravated unlawful flight from a pursuing law enforcement vehicle* if the driver wilfully operates a motor vehicle in a manner that recklessly endangers the life of another person while attempting to flee or elude a pursuing official law enforcement vehicle that is either:
 - a) appropriately marked and operated in a manner permitted for law enforcement vehicles; or
 - b) unmarked, and the driver either admits to knowing that the vehicle was an official law enforcement vehicle, or evidence shows that the driver knew that the vehicle was an official law enforcement vehicle.
2. Classifies *aggravated unlawful flight from a pursuing law enforcement vehicle* as a class 4 felony.
3. Classifies *aggravated unlawful flight from a pursuing law enforcement vehicle* as a class 2 felony if:
 - a) the violation results in a serious physical injury to another;
 - b) at the time of the offense the driver was transporting a minor under 15 years old; or
 - c) at the time of the offense the driver was driving under the influence of alcohol or drugs.

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4. Stipulates that a person convicted for any *aggravated unlawful flight* offense is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served at least four months in prison.
5. Becomes effective on the general effective date.

Prepared by Senate Research

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ZD/cs