

SENATE SUBSTITUTE TO HB 1216:

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to serious traffic offenses, so as to provide for enhanced penalties for violations of  
3 fleeing or attempting to elude a police officer; to provide for enhanced penalties for fleeing  
4 or eluding a police officer during the commission of certain crimes or under certain  
5 circumstances; to prohibit the use of a blue light to impersonate a law enforcement officer;  
6 to provide for related matters; to provide for an effective date and applicability; to repeal  
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to  
11 serious traffic offenses, is amended by revising Code Section 40-6-395, relating to fleeing  
12 or attempting to elude police officer and impersonating law enforcement officer, as follows:  
13 "40-6-395.

14 (a) It shall be unlawful for any driver of a vehicle willfully to fail or refuse to bring his or  
15 her vehicle to a stop or otherwise to flee or attempt to elude a pursuing police vehicle or

16 police officer when given a visual or an audible signal to bring the vehicle to a stop. The  
17 signal given by the police officer may be by hand, voice, emergency light, or siren. The  
18 officer giving such signal shall be in uniform prominently displaying his or her badge of  
19 office, and his or her vehicle shall be appropriately marked showing it to be an official  
20 police vehicle.

21 (b)(1) Any person convicted of violating the provisions of subsection (a) of this Code  
22 section upon a first, second, or third conviction thereof shall be guilty of a high and  
23 aggravated misdemeanor and upon a fourth or subsequent conviction thereof shall be  
24 guilty of a felony and shall be punished as follows:

25 (A) Upon the first conviction shall be fined not less than ~~\$500.00~~ \$1,000.00 nor more  
26 than \$5,000.00, and the fine shall not be subject to suspension, stay, or probation, and  
27 imprisoned for not less than ~~ten~~ 30 days nor more than 12 months. Any period of such  
28 imprisonment in excess of ~~ten~~ 30 days may, in the sole discretion of the judge, be  
29 suspended, stayed, or probated;

30 (B) Upon the second conviction within a ten-year period of time, as measured from the  
31 dates of previous arrests for which convictions were obtained to the date of the current  
32 arrest for which a conviction is obtained, shall be fined not less than ~~\$1,000.00~~  
33 \$2,500.00 nor more than \$5,000.00, and the fine shall not be subject to suspension, stay,  
34 or probation, and imprisoned for not less than ~~30~~ 90 days nor more than 12 months.  
35 Any period of such imprisonment in excess of ~~30~~ 90 days may, in the sole discretion  
36 of the judge, be suspended, stayed, or probated; and for purposes of this paragraph,  
37 previous pleas of nolo contendere accepted within such ten-year period shall constitute  
38 convictions; ~~and~~

39 (C) Upon the third ~~or subsequent~~ conviction within a ten-year period of time, as  
40 measured from the dates of previous arrests for which convictions were obtained to the  
41 date of the current arrest for which a conviction is obtained, shall be fined not less than  
42 ~~\$2,500.00~~ \$4,000.00 nor more than \$5,000.00, and the fine shall not be subject to

43 suspension, stay, or probation, and imprisoned for not less than ~~90~~ 180 days nor more  
44 than 12 months. Any period of such imprisonment in excess of ~~90~~ 180 days may, in the  
45 sole discretion of the judge, be suspended, stayed, or probated; and for purposes of this  
46 paragraph, previous pleas of nolo contendere accepted within such ten-year period shall  
47 constitute convictions; and

48 (D) Upon the fourth or subsequent conviction within a ten-year period of time, as  
49 measured from the dates of previous arrests for which convictions were obtained to the  
50 date of the current arrest for which a conviction is obtained, shall be fined not less than  
51 \$5,000.00 nor more than \$10,000.00 and imprisoned for not less than 12 months nor  
52 more than ten years.

53 (2) For the purpose of imposing a sentence under this subsection, a plea of nolo  
54 contendere shall constitute a conviction.

55 (3) If the payment of the fine required under subparagraphs (A) through (C) of  
56 paragraph (1) of this subsection will impose an economic hardship on the defendant, the  
57 judge, at his or her sole discretion, may order the defendant to pay such fine in  
58 installments and such order may be enforced through a contempt proceeding or a  
59 revocation of any probation otherwise authorized by this subsection.

60 (4) Notwithstanding the limits set forth in any municipal charter, any municipal court of  
61 any municipality shall be authorized to impose the punishments provided for in  
62 subparagraphs (A) through (C) of paragraph (1) of this subsection upon a conviction of  
63 violating this subsection such subparagraphs or upon conviction of violating any  
64 ordinance adopting the provisions of this subsection such subparagraphs.

65 ~~(5)(A)(c)~~ Any person violating the provisions of subsection (a) of this Code section who,  
66 while fleeing or attempting to elude a pursuing police vehicle or police officer:

67 ~~(i)~~(1) Operates his or her vehicle in excess of 20 miles an hour above the posted speed  
68 limit;

69 ~~(ii)~~(2) Strikes or collides with another vehicle or a pedestrian;

70 (3) Is the proximate cause of an accident;  
 71 ~~(iii)~~(4) Flees in traffic conditions which place the general public at risk of receiving  
 72 serious injuries;  
 73 ~~(iv)~~(5) Commits a violation of:  
 74 (A) Code Section 40-6-144;  
 75 (B) Subsection (a) of Code Section 40-6-163;  
 76 (C) Subsection (a) of Code Section 40-6-251;  
 77 (D) Subsection (a) of Code Section 40-6-390;  
 78 (E) Subsection (a) of Code Section 40-6-390.1; or  
 79 (F) Subsection paragraph (5) of subsection (a) of Code Section 40-6-391; or  
 80 ~~(v)~~(6) Leaves the state  
 81 shall be guilty of a felony punishable by a fine of not less than \$5,000.00 or nor more than  
 82 \$10,000.00 and imprisonment for not less than one year 12 months nor more than five ten  
 83 years or both.  
 84 ~~(B)~~(d) Following adjudication of guilt or imposition of sentence for a violation of  
 85 subparagraph ~~(A)~~ (b)(1)(D) or subsection (c) of this Code section, the  
 86 sentence shall not be suspended, probated, deferred, or withheld, and the charge shall not  
 87 be reduced to a lesser offense, merged with any other offense, or served concurrently with  
 88 any other offense.  
 89 ~~(e)~~(e) It shall be unlawful for a person:  
 90 (1) To impersonate a sheriff, deputy sheriff, state trooper, agent of the Georgia Bureau  
 91 of Investigation, agent of the Federal Bureau of Investigation, police officer, or any other  
 92 authorized law enforcement officer by using a motor vehicle, ~~or motorcycle, or blue light~~  
 93 designed, equipped, or marked so as to resemble a motor vehicle, or motorcycle, or blue  
 94 light belonging to any federal, state, or local law enforcement agency; or  
 95 (2) Otherwise to impersonate any such law enforcement officer in order to direct, stop,  
 96 or otherwise control traffic."

97

**SECTION 2.**

98 This Act shall become effective on July 1, 2022, and shall apply to offenses committed on  
99 or after that date.

100

**SECTION 3.**

101 All laws and parts of laws in conflict with this Act are repealed.