

1 AN ACT relating to fleeing or evading police.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 520.095 is amended to read as follows:

4 (1) A person is guilty of fleeing or evading police in the first degree:

5 (a) When, while operating a motor vehicle with intent to elude or flee, the person  
6 knowingly or wantonly disobeys a direction to stop his or her motor vehicle,  
7 given by a person recognized to be a police officer, and at least one (1) of the  
8 following conditions exists:

- 9 1. The person is fleeing immediately after committing an act of domestic  
10 violence as defined in KRS 403.720;
- 11 2. The person is driving under the influence of alcohol or any other  
12 substance or combination of substances in violation of KRS 189A.010;
- 13 3. The person is driving while his or her driver's license is suspended for  
14 violating KRS 189A.010; or
- 15 4. By fleeing or eluding, the person is the cause, or creates substantial risk,  
16 of serious physical injury or death to any person or property; or

17 (b) When, as a pedestrian, and with intent to elude or flee, the person knowingly  
18 or wantonly disobeys an order to stop, given by a person recognized to be a  
19 peace officer, and at least one (1) of the following conditions exists:

- 20 1. The person is fleeing immediately after committing an act of domestic  
21 violence as defined in KRS 403.720; or
- 22 2. By fleeing or eluding, the person is the cause of, or creates a substantial  
23 risk of, serious physical injury or death to any person or property.

24 (2) Fleeing or evading police in the first degree is a *Class C*~~Class D~~ felony ***and the***  
25 ***defendant shall not be released on probation, shock probation, conditional***  
26 ***discharge, or parole until he or she has served at least fifty percent (50%) of the***  
27 ***sentence imposed.***

1           ➔Section 2. KRS 520.100 is amended to read as follows:

2       (1) A person is guilty of fleeing or evading police in the second degree when:

3           (a) As a pedestrian, and with intent to elude or flee, the person knowingly or  
4           wantonly disobeys a direction to stop, given by a person recognized to be a  
5           peace officer who has an articulable reasonable suspicion that a crime has  
6           been committed by the person fleeing, and in fleeing or eluding the person is  
7           the cause of, or creates a substantial risk of, physical injury to any person; or

8           (b) While operating a motor vehicle with intent to elude or flee, the person  
9           knowingly or wantonly disobeys a recognized direction to stop his or her  
10          vehicle, given by a person recognized to be a peace officer.

11       (2) No offense is committed under this section when the conduct involved constitutes a  
12       failure to comply with a directive of a traffic control officer.

13       (3) Fleeing or evading police in the second degree is a Class D felony~~[Class A~~  
14       ~~misdemeanor]~~ and the defendant shall not be released on probation, shock  
15       probation, conditional discharge, or parole until he or she has served at least fifty  
16       percent (50%) of the sentence imposed.