

1 AN ACT relating to criminal fleeing in the first degree.

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 D felony, **except that fleeing**  
25 **or evading police in the first degree is a Class C felony when the person flees or**  
26 **evades the police under subsection (1)(a) of this section and operates a motor**  
27 **vehicle:**

- 1        (a) Through an active school zone;  
2        (b) At speeds of thirty (30) miles per hour or more over the speed limit in a  
3                residential area; or  
4        (c) In a way that results in a collision with another vehicle, regardless of any  
5                injury to any person involved in the collision.