

SENATE BILL 254

R5

2lr1557

By: **Senator Robey**

Introduced and read first time: January 25, 2012

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Fleeing or Eluding Police**

3 FOR the purpose of making it a felony for a driver of a vehicle to attempt to elude a
4 police officer who gives the driver a visual or audible signal to stop; altering the
5 law to prohibit a driver who had been given a visual or audible signal to stop by
6 a police officer from attempting to elude the police officer in a manner that
7 poses a risk of imminent bodily injury to another person; adding and altering
8 certain defined terms; and generally relating to eluding police officers by drivers
9 of vehicles under certain circumstances.

10 BY repealing and reenacting, with amendments,
11 Article – Transportation
12 Section 21–904
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Transportation**

18 21–904.

19 (a) **(1)** In this section [, “visual or audible”] **THE FOLLOWING WORDS**
20 **HAVE THE MEANINGS INDICATED.**

21 **(2) “APPROPRIATELY MARKED POLICE VEHICLE” MEANS AN**
22 **OFFICIAL POLICE VEHICLE DISPLAYING:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) THE OFFICIAL EMBLEM OR INSIGNIA OF A POLICE OR**
2 **SHERIFF'S DEPARTMENT OF THE STATE OR A COUNTY OR MUNICIPALITY IN THE**
3 **STATE;**

4 **(II) THE OFFICIAL EMBLEM OR INSIGNIA OF THE STATE OR**
5 **A COUNTY OR MUNICIPALITY IN THE STATE; OR**

6 **(III) 1. AN ACTIVATED SIREN; AND**

7 **2. AN ACTIVATED FLASHING RED AND BLUE LIGHT**
8 **OR ACTIVATED FLASHING BLUE LIGHT.**

9 **(3) "AUDIBLE SIGNAL" INCLUDES A SIREN OR SIGNAL BY VOICE.**

10 **(4) "ELUDE" MEANS TO ATTEMPT TO ESCAPE OR FLEE WITH THE**
11 **INTENT TO AVOID AN ENCOUNTER WITH THE POLICE.**

12 **(5) "VISUAL signal" includes a signal by hand[, voice,] OR emergency**
13 **light [or siren].**

14 (b) If a police officer gives a visual **SIGNAL** or audible signal to stop and the
15 police officer is in uniform, prominently displaying the police officer's badge or other
16 insignia of office, a driver of a vehicle may not attempt to elude the police officer by:

17 (1) Willfully failing to stop the driver's vehicle;

18 (2) Fleeing on foot; or

19 (3) Any other means.

20 (c) If a police officer gives a visual **SIGNAL** or audible signal to stop and the
21 police officer, whether or not in uniform, is in [a vehicle] **AN** appropriately marked [as
22 an official] police vehicle, a driver of a vehicle may not attempt to elude the police
23 officer by:

24 (1) Willfully failing to stop the driver's vehicle;

25 (2) Fleeing on foot; or

26 (3) Any other means.

27 (d) (1) A driver may not commit a violation of subsection (b)(1) or (c)(1) of
28 this section that **POSES A RISK OF IMMINENT BODILY INJURY OR** results in bodily
29 injury to another person.

1 (2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of
2 this section that results in death of another person.

3 **(3) A VIOLATION OF THIS SUBSECTION IS A FELONY.**

4 (e) (1) In this subsection, “crime of violence” has the meaning stated in §
5 14–101 of the Criminal Law Article.

6 (2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of
7 this section while the driver is attempting to elude a police officer who is signaling for
8 the driver to stop for the purpose of apprehending the driver for the commission of a
9 crime of violence for which the driver is subsequently convicted.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2012.