

1 S.73

2 Introduced by Senators Doyle and Sears

3 Referred to Committee on Judiciary

4 Date: February 17, 2011

5 Subject: Motor vehicles; attempting to elude a police officer; penalties

6 Statement of purpose: This bill proposes to raise from a misdemeanor to a  
7 felony the penalty for attempting to elude a police officer and to raise the  
8 penalties for the offense when death or bodily injury results.

9 ~~*An act relating to raising the penalties for attempting to elude a police*~~  
10 ~~*officer*~~

11 ~~*An act relating to raising the penalties for eluding a police officer.*~~

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 ~~Sec. 1. 23 V.S.A. § 1133 is amended to read:~~

14 ~~§ 1133. ATTEMPTING TO ELUDE A POLICE OFFICER~~

15 ~~(a) No operator of a motor vehicle shall fail to bring his or her vehicle to a~~  
16 ~~stop when signaled to do so by an enforcement officer:~~

17 ~~(1) displaying insignia identifying him or her as such; or~~

18 ~~(2) operating a law enforcement vehicle sounding a siren and displaying~~  
19 ~~a flashing blue or blue and white signal lamp.~~

1 ~~(b)(1) A person who violates subsection (a) of this section shall be~~  
2 imprisoned for not more than ~~one year~~ five years or fined not more than  
3 \$1,000.00, or both.

4 (2)(A) In the event that death ~~or serious bodily injury~~ to any person  
5 other than the operator is proximately caused by the operator's knowing  
6 violation of subsection (a) of this section, the operator shall be imprisoned for  
7 ~~not more than five years~~ less than one year nor more than 15 years or fined not  
8 more than ~~\$3,000.00~~ \$10,000.00, or both.

9 (B) If death ~~or serious bodily injury~~ to more than one person other  
10 than the operator is proximately caused by the operator's knowing violation of  
11 subsection (a) of this section, the operator may be convicted of a separate  
12 violation of this subdivision for each decedent ~~or person injured~~.

13 (3)(A) In the event that serious bodily injury to any person other than  
14 the operator is proximately caused by the operator's knowing violation of  
15 subsection (a) of this section, the operator shall be imprisoned for not more  
16 than 15 years or fined not more than \$5,000.00, or both.

17 (B) If serious bodily injury to more than one person other than the  
18 operator is proximately caused by the operator's knowing violation of  
19 subsection (a) of this section, the operator may be convicted of a separate  
20 violation of this subdivision for each person injured.

21 \*\*\*

~~Sec. 1. 23 V.S.A. § 1133 is amended to read:~~

~~§ 1133. ATTEMPTING TO ELUDE ELUDING A POLICE OFFICER~~

~~(a) No operator of a motor vehicle shall fail to bring his or her vehicle to a stop when signaled to do so by an enforcement officer:~~

~~(1) displaying insignia identifying him or her as such; or~~

~~(2) operating a law enforcement vehicle sounding a siren and displaying a flashing blue or blue and white signal lamp.~~

~~(b)(1) A person who violates subsection (a) of this section shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both.~~

~~(2)(A) In the event that death or serious bodily injury to any person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator shall be imprisoned for not more than five years less than one year nor more than 15 years or fined not more than \$3,000.00 \$10,000.00, or both.~~

~~(B) If death or serious bodily injury to more than one person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator may be convicted of a separate violation of this subdivision for each decedent or person injured.~~

~~(3)(A) In the event that serious bodily injury to any person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator shall be imprisoned for not more than 15 years or fined not more than \$5,000.00, or both.~~

~~(B) If serious bodily injury to more than one person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator may be convicted of a separate violation of this subdivision for each person injured.~~

~~(4) A person who violates subsection (a) of this section while operating the vehicle in a negligent or grossly negligent manner in violation of section 1091 of this title shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.~~

Sec. 1. 23 V.S.A. § 1133 is amended to read:

§ 1133. ATTEMPTING TO ELUDE ELUDING A POLICE OFFICER

(a) No operator of a motor vehicle shall fail to bring his or her vehicle to a stop when signaled to do so by an enforcement officer:

(1) displaying insignia identifying him or her as such; or

*(2) operating a law enforcement vehicle sounding a siren and displaying a flashing blue or blue and white signal lamp.*

*(b)(1) A person who violates subsection (a) of this section shall be imprisoned for not more than one year or fined not more than \$1,000.00, or both.*

*(2)(A) A person who violates subsection (a) of this section while operating a vehicle in a negligent or grossly negligent manner in violation of section 1091 of this title shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.*

*(3)(A) In the event that ~~death or~~ serious bodily injury to any person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator shall be imprisoned for not more than ~~five~~ 15 years or fined not more than ~~\$3,000.00~~ \$5,000.00, or both.*

*(B) If ~~death or~~ serious bodily injury to more than one person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator may be convicted of a separate violation of this subdivision for each decedent or person injured.*

*(4)(A) In the event that death to any person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator shall be imprisoned for not less than one year nor more than 15 years or fined not more than \$10,000.00, or both.*

*(B) If death to more than one person other than the operator is proximately caused by the operator's knowing violation of subsection (a) of this section, the operator may be convicted of a separate violation of this subdivision for each decedent.*

\* \* \*