

(PRE-FILED)

HB 0006/96 - JUD

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**By: Delegates Taylor, Vallario, Dewberry, Hurson, Busch, Guns, Hixson, and Rawlings**

Requested: November 15, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: February 4, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Eluding Police - Penalties**

3 FOR the purpose of making it a felony for a driver of a vehicle to attempt to elude a  
4 police officer by willfully failing to stop the vehicle and continuing into another state  
5 under certain circumstances; increasing the maximum fine and term of  
6 imprisonment for certain offenses of a driver attempting to elude a police officer if  
7 injury or death to another person results; providing for concurrent jurisdiction for  
8 certain offenses of a driver attempting to elude a police officer; defining certain  
9 terms; and generally relating to penalties for eluding police officers.

10 BY repealing and reenacting, with amendments,  
11 Article - Courts and Judicial Proceedings  
12 Section 4-301(b) and 4-302(a) and (d)  
13 Annotated Code of Maryland  
14 (1995 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article - Transportation  
17 Section 21-904 and 27-101(p)  
18 Annotated Code of Maryland  
19 (1992 Replacement Volume and 1996 Supplement)

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

2

1 **Article - Courts and Judicial Proceedings**

2 4-301.

3 (b) Except as provided in § 4-302 OF THIS SUBTITLE, the District Court also has  
4 exclusive original jurisdiction in a criminal case in which a person at least 18 years old or  
5 a corporation is charged with:

6 (1) Commission of a common-law or statutory misdemeanor regardless of  
7 the amount of money or value of the property involved;

8 (2) Violation of §§ 342 through 344 of Article 27 of the Code, whether a  
9 felony or a misdemeanor;

10 (3) Violation of a county, municipal, or other ordinance, if the violation is  
11 not a felony;

12 (4) Criminal violation of a State, county, or municipal rule or regulation, if  
13 the violation is not a felony;

14 (5) Doing or omitting to do any act made punishable by a fine,  
15 imprisonment, or other penalty as provided by the particular law, ordinance, rule, or  
16 regulation defining the violation if the violation is not a felony;

17 (6) Violation of Article 27, § 141 of this Code, whether a felony or a  
18 misdemeanor;

19 (7) Violation of Article 27, § 145 of this Code, whether a felony or  
20 misdemeanor;

21 (8) Violation of Article 27, § 44 of the Code;

22 (9) Violation of Article 48A, § 233 of the Code, whether a felony or a  
23 misdemeanor;

24 (10) Violation of § 9-1106 of the Labor and Employment Article; [or]

25 (11) Violation of § 14-1403 of the Commercial Law Article; OR

26 (12) VIOLATION OF § 21-904 OF THE TRANSPORTATION ARTICLE,  
27 WHETHER A FELONY OR A MISDEMEANOR.

28 4-302.

29 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), [and] (11), AND  
30 (12) of this subtitle, the District Court does not have jurisdiction to try a criminal case  
31 charging the commission of a felony.

32 (d) The jurisdiction of the District Court is concurrent with that of the circuit  
33 court in a criminal case:

34 (1) In which the penalty may be confinement for three years or more or a  
35 fine of \$2,500 or more; or

3

1 (2) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10),  
2 [and] (11), AND (12) of this subtitle.

3 **Article - Transportation**

4 21-904.

5 (a) (1) [In this section "visual] IN THIS SECTION THE FOLLOWING WORDS  
6 HAVE THE MEANINGS INDICATED.

7 (2) "FRESH PURSUIT" HAS THE MEANING STATED IN ARTICLE 27, § 599  
8 OF THE CODE.

9 (3) "STATE" INCLUDES THE DISTRICT OF COLUMBIA.

10 (4) "VISUAL or audible signal" includes a signal by hand, voice, emergency  
11 light or siren.

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

16 (c) If a police officer gives a visual or audible signal to stop and the police officer  
17 is in uniform, prominently displaying the police officer's badge or other insignia of office,  
18 a driver may not attempt to elude the police officer by fleeing on foot.

19 (d) If a police officer gives a visual or audible signal to stop and the police officer  
20 is in uniform, prominently displaying the police officer's badge or other insignia of office,  
21 a driver may not attempt to elude the police officer by any other means.

22 (e) If a police officer gives a visual or audible signal to stop and the police officer,  
23 whether or not in uniform, is in a vehicle appropriately marked as an official police  
24 vehicle, a driver of a vehicle may not attempt to elude the police officer by willfully failing  
25 to stop the driver's vehicle.

26 (f) If a police officer gives a visual or audible signal to stop and the police officer,  
27 whether or not in uniform, is in a vehicle appropriately marked as an official police  
28 vehicle, a driver of a vehicle may not attempt to elude the police officer by fleeing on foot.

29 (g) If a police officer gives a visual or audible signal to stop and the police officer,  
30 whether or not in uniform, is in a vehicle appropriately marked as an official police  
31 vehicle, a driver of a vehicle may not attempt to elude the police officer by any other  
32 means.

33 (H) IF A POLICE OFFICER IN FRESH PURSUIT GIVES A VISUAL OR AUDIBLE  
34 SIGNAL TO STOP AND THE POLICE OFFICER IS IN UNIFORM, PROMINENTLY  
35 DISPLAYING THE POLICE OFFICER'S BADGE OR OTHER INSIGNIA OF OFFICE, A  
36 DRIVER OF A VEHICLE MAY NOT ATTEMPT TO ELUDE THE POLICE OFFICER BY  
37 WILLFULLY FAILING TO STOP THE DRIVER'S VEHICLE AND CONTINUING INTO  
38 ANOTHER STATE.

39 (I) IF A POLICE OFFICER IN FRESH PURSUIT GIVES A VISUAL OR AUDIBLE  
40 SIGNAL TO STOP AND THE POLICE OFFICER, WHETHER OR NOT IN UNIFORM, IS IN A

4  
1 VEHICLE APPROPRIATELY MARKED AS AN OFFICIAL POLICE VEHICLE, A DRIVER OF  
2 A VEHICLE MAY NOT ATTEMPT TO ELUDE THE POLICE OFFICER BY WILLFULLY  
3 FAILING TO STOP THE DRIVER'S VEHICLE AND CONTINUING INTO ANOTHER STATE.

4 27-101.

5 (p) (1) Except as provided in paragraphs (2) [and (3)] , (3), AND (4) of this  
6 subsection, any person who is convicted of a violation of any of the provisions of § 21-904  
7 of this article ("Fleeing or eluding police") is subject to:

8 (i) For a first offense, a fine of not more than \$1,000, or imprisonment  
9 for not more than 1 year, or both; and

10 (ii) For any subsequent offense, a fine of not more than \$1,000, or  
11 imprisonment for not more than 2 years, or both.

12 (2) Any person who [is convicted of a violation of] VIOLATES § 21-904(b)  
13 or (e) of this article [that results] RESULTING in bodily injury to another person is  
14 subject to a fine of not more than [~~\$3,000~~] \$5,000, or imprisonment for not more than  
15 [~~3~~] 5 years, or both.

16 (3) Any person who [is convicted of a violation of] VIOLATES § 21-904(b)  
17 or (e) of this article that results in a death of another person is subject to a fine of not  
18 more than [~~\$5,000~~] \$10,000, or imprisonment for not more than [~~5~~] 10 years, or both.

19 (4) ANY PERSON WHO VIOLATES § 21-904(H) OR (I) OF THIS ARTICLE IS  
20 GUILTY OF A FELONY AND UPON CONVICTION IS SUBJECT TO A FINE OF NOT MORE  
21 THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR BOTH.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 1997.