

# SENATE BILL 205

R5

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CF 3lr1030

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By: **Senator Shank**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of creating an exception to the prohibition against attempting to  
4 elude a police officer under certain circumstances to allow a driver who has been  
5 given a visual or an audible signal to stop by a police officer in a vehicle that is  
6 not an appropriately marked police vehicle but is displaying an activated  
7 flashing blue or red and blue light to proceed directly to a police station or any  
8 other lighted public location before stopping; altering the law to prohibit a  
9 driver who has been given a visual or an audible signal to stop by a police officer  
10 from attempting to elude the police officer in a manner that poses a risk of  
11 imminent bodily injury to another person; making it a felony for a driver to  
12 attempt, in a certain manner, to elude a police officer who gives the driver a  
13 visual or an audible signal to stop and the driver's actions pose a risk of  
14 imminent bodily injury to, result in bodily injury to, or result in the death of  
15 another person; defining certain terms; altering a certain definition; making  
16 conforming changes; and generally relating to eluding police officers by drivers  
17 of vehicles under certain circumstances.

18 BY repealing and reenacting, with amendments,

19 Article – Transportation  
20 Section 21–904  
21 Annotated Code of Maryland  
22 (2012 Replacement Volume)

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

25 **Article – Transportation**

26 21–904.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (2) **“APPROPRIATELY MARKED POLICE VEHICLE” MEANS AN**  
4 **OFFICIAL POLICE VEHICLE DISPLAYING:**

5 (i) **THE OFFICIAL EMBLEM OR INSIGNIA OF A POLICE OR**  
6 **SHERIFF’S DEPARTMENT OF THE STATE OR A COUNTY OR MUNICIPALITY IN THE**  
7 **STATE; OR**

8 (ii) **THE OFFICIAL EMBLEM OR INSIGNIA OF THE STATE OR**  
9 **A COUNTY OR MUNICIPALITY IN THE STATE.**

10 (3) **“AUDIBLE SIGNAL” INCLUDES A SIREN OR SIGNAL BY VOICE.**

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

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

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

19 (1) Willfully failing to stop the driver’s vehicle;

20 (2) Fleeing on foot; or

21 (3) Any other means.

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

26 (1) Willfully failing to stop the driver’s vehicle;

27 (2) Fleeing on foot; or

28 (3) Any other means.

29 (D) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A**  
30 **POLICE OFFICER GIVES A VISUAL SIGNAL OR AN AUDIBLE SIGNAL TO STOP AND**

1 THE POLICE OFFICER IS IN A VEHICLE THAT IS NOT AN APPROPRIATELY  
2 MARKED POLICE VEHICLE BUT IS DISPLAYING AN ACTIVATED FLASHING BLUE  
3 OR RED AND BLUE LIGHT, A DRIVER OF A VEHICLE MAY NOT ATTEMPT TO ELUDE  
4 THE POLICE OFFICER BY:

5 (I) WILLFULLY FAILING TO STOP THE DRIVER'S VEHICLE;

6 (II) FLEEING ON FOOT; OR

7 (III) ANY OTHER MEANS.

8 (2) IT IS NOT A VIOLATION OF THIS SUBSECTION IF THE DRIVER,  
9 WHILE OBEYING TRAFFIC LAWS, PROCEEDS DIRECTLY TO A NEARBY POLICE  
10 STATION OR ANY OTHER LIGHTED PUBLIC LOCATION BEFORE STOPPING.

11 [(d)] (E) (1) A driver may not commit a violation of subsection (b)(1) [or],  
12 (c)(1), OR (D)(1) of this section that POSES A RISK OF IMMINENT BODILY INJURY  
13 OR results in bodily injury to another person.

14 (2) A driver may not commit a violation of subsection (b)(1) [or], (c)(1),  
15 OR (D)(1) of this section that results in death of another person.

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

17 [(e)] (F) (1) In this subsection, "crime of violence" has the meaning  
18 stated in § 14-101 of the Criminal Law Article.

19 (2) A driver may not commit a violation of subsection (b)(1) [or], (c)(1),  
20 OR (D)(1) of this section while the driver is attempting to elude a police officer who is  
21 signaling for the driver to stop for the purpose of apprehending the driver for the  
22 commission of a crime of violence for which the driver is subsequently convicted.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2013.