

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

Requested: November 15, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 13, 1996

CHAPTER _____

1 AN ACT concerning

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

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

11 ~~BY repealing and reenacting, with amendments,~~
12 ~~Article - Courts and Judicial Proceedings~~
13 ~~Section 4-301(b) and 4-302(a) and (d)~~
14 ~~Annotated Code of Maryland~~
15 ~~(1995 Replacement Volume and 1995 Supplement)~~

16 ~~BY repealing and reenacting, without amendments,~~
17 ~~Article - Transportation~~
18 ~~Section 21-904~~
19 ~~Annotated Code of Maryland~~
20 ~~(1992 Replacement Volume and 1995 Supplement)~~

21 BY repealing and reenacting, with amendments,
22 Article - Transportation
23 Section 21-904 and 27-101(p)

2

1 Annotated Code of Maryland
2 (1992 Replacement Volume and 1995 Supplement)

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

5 **Article - Courts and Judicial Proceedings**

6 4-301.

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

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

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

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

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

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

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

23 (7) Violation of Article 27, § 145 of this Code, whether a felony or
24 misdemeanor; [or]

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

26 (9) Violation of Article 48A, § 233 of the Code, whether a felony or a
27 misdemeanor; [or]

28 (10) Violation of § 9-1106 of the Labor and Employment Article;OR

29 (11) VIOLATION OF § 21-904 OF THE TRANSPORTATION ARTICLE,
30 WHETHER A FELONY OR A MISDEMEANOR.

31 4-302.

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

35 (d) The jurisdiction of the District Court is concurrent with that of the circuit
36 court in a criminal case;

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

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

5 **Article - Transportation**

6 21-904.

7 (a) ~~In this section "visual~~ (1) IN THIS SECTION THE FOLLOWING WORDS HAVE
8 THE MEANINGS INDICATED.

9 (2) "FRESH PURSUIT" HAS THE SAME MEANING STATED IN ARTICLE 27, §
10 599 OF THE CODE.

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

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

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

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

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

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

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

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

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

1 (I) IF A POLICE OFFICER IN FRESH PURSUIT GIVES A VISUAL OR AUDIBLE
2 SIGNAL TO STOP AND THE POLICE OFFICER, WHETHER OR NOT IN UNIFORM, IS IN A
3 VEHICLE APPROPRIATELY MARKED AS AN OFFICIAL POLICE VEHICLE, A DRIVER OF
4 A VEHICLE MAY NOT ATTEMPT TO ELUDE THE POLICE OFFICER BY WILLFULLY
5 FAILING TO STOP THE DRIVER'S VEHICLE AND CONTINUING INTO ANOTHER STATE.

6 27-101.

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

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

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

14 (2) Any person who [is convicted of a violation of] VIOLATES § 21-904(b)
15 or (e) of this article [that results] RESULTING in bodily injury to another person is
16 ~~GUILTY OF A FELONY AND UPON CONVICTION IS~~ subject to a fine of not more than
17 [\$3,000] \$5,000, or imprisonment for not more than [3] 5 years, or both.

18 (3) Any person who [is convicted of a violation of] VIOLATES § 21-904(b)
19 or (e) of this article that results in a death of another person is ~~GUILTY OF A FELONY~~
20 ~~AND UPON CONVICTION IS~~ subject to a fine of not more than [\$5,000] \$10,000, or
21 imprisonment for not more than [5] 10 years, or both.

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1996.