
By: Delegate Brinkley

Introduced and read first time: January 29, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of making it a felony if a person, while fleeing or eluding the police,
4 recklessly engages in conduct that creates a substantial risk of death or serious
5 physical injury to another; establishing a penalty for a person convicted of fleeing or
6 eluding the police by recklessly engaging in conduct that creates a substantial risk of
7 death or serious physical injury to another; making it a felony if injury or death to
8 another person results from a driver of a vehicle attempting to elude the police by
9 willfully failing to stop the vehicle under certain circumstances; increasing the
10 maximum fine and term of imprisonment for eluding the police by willfully failing to
11 stop a vehicle; making it a felony for a person to assault a police officer or other
12 individual in the course of fleeing or eluding the police; establishing a penalty for a
13 person convicted of assault while fleeing or eluding the police; and generally
14 relating to penalties for fleeing or eluding the police.

15 BY repealing and reenacting, with amendments,
16 Article 27 - Crimes and Punishments
17 Section 12A-1
18 Annotated Code of Maryland
19 (1996 Replacement Volume)

20 BY repealing and reenacting, without amendments,
21 Article - Transportation
22 Section 21-904
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1996 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Transportation
27 Section 27-101(p)
28 Annotated Code of Maryland
29 (1992 Replacement Volume and 1996 Supplement)

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

2

1 Article 27 - Crimes and Punishments

2 12A-1.

3 (a) (1) A person may not intentionally cause or attempt to cause serious
4 physical injury to another.

5 (2) A person may not commit an assault with a firearm, including:

6 (i) A handgun, antique firearm, rifle, shotgun, short-barreled
7 shotgun, or short-barreled rifle, as those terms are defined in § 36F of this article;

8 (ii) An assault pistol, as defined in § 36H-1 of this article;

9 (iii) A pistol, revolver, or antique pistol or revolver, as those terms are
10 defined in § 441 of this article;

11 (iv) An assault weapon, as defined in § 481E of this article; and

12 (v) A machine gun, as defined in § 372 of this article.

13 (3) A PERSON MAY NOT COMMIT AN ASSAULT ON A POLICE OFFICER OR
14 OTHER INDIVIDUAL IN THE COURSE OF COMMITTING A VIOLATION OF § 21-904 OF
15 THE TRANSPORTATION ARTICLE REGARDING FLEEING OR ELUDING A POLICE
16 OFFICER.

17 (b) (1) A person who violates SUBSECTION (A) (1) OR (2) OF this section is
18 guilty of the felony of assault in the first degree and on conviction is subject to
19 imprisonment for not more than 25 years.

20 (2) A PERSON WHO VIOLATES SUBSECTION (A) (3) OF THIS SECTION IS
21 GUILTY OF THE FELONY OF ASSAULT IN THE FIRST DEGREE AND ON CONVICTION IS
22 SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE
23 THAN 15 YEARS OR BOTH.

24 Article - Transportation

25 21-904.

26 (a) In this section "visual or audible signal" includes a signal by hand, voice,
27 emergency light or siren.

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

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

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

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

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

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

12 27-101.

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

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

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

20 (2) ANY PERSON WHO VIOLATES ANY OF THE PROVISIONS OF § 21-904 OF
 21 THIS ARTICLE BY RECKLESSLY ENGAGING IN CONDUCT THAT CREATES A
 22 SUBSTANTIAL RISK OF DEATH OR SERIOUS PHYSICAL INJURY TO ANOTHER 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 [(2)] (3) Any person who [is convicted of a violation of] VIOLATES §
 26 21-904(b) or (e) of this article [that results] RESULTING in bodily injury to another
 27 person is GUILTY OF A FELONY AND UPON CONVICTION IS subject to a fine of not more
 28 than [\$3,000] \$15,000, or imprisonment for not more than [3] 15 years, or both.

29 [(3)] (4) Any person who [is convicted of a violation of] VIOLATES §
 30 21-904(b) or (e) of this article [that results] RESULTING in a death of another person is
 31 GUILTY OF A FELONY AND UPON CONVICTION IS subject to a fine of not more than
 32 [\$5,000] \$15,000, or imprisonment for not more than [5] 15 years, or both.

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