

SENATE BILL 738

Unofficial Copy  
E1

1998 Regular Session  
(8lr0994)

**ENROLLED BILL**  
*-- Judicial Proceedings/Judiciary --*

Introduced by **Senator Forehand**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Crimes and Punishments~~ **Vehicle Laws - Fleeing or Eluding a Police**  
3 **Officer - Penalties**

4 FOR the purpose of ~~making it a felony for an individual to attempt to elude a police~~  
5 ~~officer by certain means; imposing certain penalties; defining certain terms;~~  
6 altering certain ~~provisions and~~ penalties in the vehicle laws relating to fleeing  
7 and eluding a police officer; and generally relating to penalties for fleeing or  
8 eluding a police officer.

9 ~~BY adding to~~  
10 ~~Article 27--Crimes and Punishments~~  
11 ~~Section 139-1 to be under the subheading "Escapes From Confinement"~~  
12 ~~Annotated Code of Maryland~~  
13 ~~(1996 Replacement Volume and 1997 Supplement)~~

14 BY repealing and reenacting, with amendments,  
15 Article - Transportation

1 Section ~~16-402(a), 21-904, and 27-101(p)~~  
2 Annotated Code of Maryland  
3 (1992 Replacement Volume and 1997 Supplement)

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

6 ~~Article 27—Crimes and Punishments~~

7 ~~439-1.~~

8 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
9 ~~INDICATED.~~

10 (2) ~~"DISPLAYING OFFICIAL POLICE INSIGNIA" MEANS BEING IN A:~~

11 (I) ~~POLICE UNIFORM WHICH PROMINENTLY DISPLAYS THE~~  
12 ~~OFFICER'S BADGE OR OTHER INSIGNIA OF OFFICE; OR~~

13 (II) ~~VEHICLE APPROPRIATELY MARKED AS AN OFFICIAL POLICE~~  
14 ~~VEHICLE.~~

15 (3) ~~"VISUAL OR AUDIBLE SIGNAL" INCLUDES ANY SIGNAL BY HAND,~~  
16 ~~VOICE, EMERGENCY LIGHT, OR SIREN.~~

17 (B) ~~IF A POLICE OFFICER WHO IS DISPLAYING OFFICIAL POLICE INSIGNIA~~  
18 ~~GIVES A VISUAL OR AUDIBLE SIGNAL TO AN INDIVIDUAL TO STOP, THE INDIVIDUAL~~  
19 ~~MAY NOT ATTEMPT TO ELUDE THE POLICE OFFICER BY FLEEING:~~

20 (1) ~~IN A VEHICLE;~~

21 (2) ~~ON FOOT; OR~~

22 (3) ~~BY ANY OTHER MEANS.~~

23 (C) ~~AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY~~  
24 ~~AND ON CONVICTION IS SUBJECT TO THE FOLLOWING PENALTIES:~~

25 (1) ~~EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS~~  
26 ~~SUBSECTION, FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$1,000,~~  
27 ~~IMPRISONMENT NOT EXCEEDING 1 YEAR, OR BOTH;~~

28 (2) ~~EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS~~  
29 ~~SUBSECTION, FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN~~  
30 ~~\$1,000, IMPRISONMENT NOT EXCEEDING 2 YEARS, OR BOTH;~~

31 (3) ~~FOR AN OFFENSE RESULTING IN BODILY INJURY OR PROPERTY~~  
32 ~~DAMAGE CAUSED BY THE FLEEING INDIVIDUAL OR A PURSUING OFFICER, A FINE OF~~  
33 ~~NOT MORE THAN \$5,000, IMPRISONMENT NOT EXCEEDING 5 YEARS, OR BOTH; AND~~



## SENATE BILL 738

1	(16)	Driving on a learner's permit unaccompanied.....	5 points
2	(17)	Any violation of § 17-107 of this article.....	5 points
3	(18)	Participating in a race or speed contest on a highway.....	5 points
4	(19)	Any violation of § 16-304 or § 16-305 of this title.....	5 points
5	(20)	Any violation of § 22-404.5 of this article.....	5 points
6	(21)	Speeding in excess of a posted speed limit of 65 miles an	
7		hour by 20 miles an hour or more.....	5 points
8	(22)	Driving while under the influence of alcohol or while under	
9		influence of a drug, combination of drugs, or combination of drugs and	
10		alcohol.....	8 points
11	(23)	Turning off lights of a vehicle to avoid identification.....	8 points
12	(24)	Failing to stop after accident resulting in damage to	
13		attended vehicle or property.....	8 points
14	(25)	Failing to stop after accident resulting in damage to	
15		unattended vehicle or property.....	8 points
16	(26)	Any violation of § 16-815 or § 16-816 of this title.....	8 points
17	(27)	Failing to stop after an accident resulting in bodily injury or	
18		death.....	12 points
19	(28)	Driving after refusal, suspension, cancellation, or revocation	
20		of license except for suspensions of license under the provisions of § 17-106;	
21		§ 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or	
22		regulations of another state as described in § 16-303(i) of this title.....	12 points
23	(29)	Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1)	
24		through (9) of this title.....	12 points
25	(30)	Homicide, life threatening injury under Article 27, § 388B of	
26		the Code, or assault committed by means of a vehicle.....	12 points
27	(31)	Driving while intoxicated, while intoxicated per se, or while	
28		under the influence of illegally used controlled dangerous substance.....	12 points
29	(32)	Any felony involving use of a vehicle.....	12 points
30	(33)	Fleeing or attempting to elude a police officer.....	12 points
31	(34)	The making of a false affidavit or statement under oath, or	
32		falsely certifying to the truth of any fact or information to the Administration	
33		under the Maryland Vehicle Law or under any law relating to the ownership	

1 or operation of motor vehicles ..... 12 points

2 (35) Any violation involving an unlawful taking or unauthorized  
3 use of a motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this  
4 article..... 12 points

5 21-904.

6 (a) (1) ~~In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS~~  
7 ~~INDICATED.~~

8 (2) ~~"DISPLAYING OFFICIAL POLICE INSIGNIA" MEANS BEING IN A:~~

9 (I) ~~POLICE UNIFORM WHICH PROMINENTLY DISPLAYS THE~~  
10 ~~OFFICER'S BADGE OR OTHER INSIGNIA OF OFFICE; OR~~

11 (II) ~~VEHICLE APPROPRIATELY MARKED AS AN OFFICIAL POLICE~~  
12 ~~VEHICLE.~~

13 (3) ~~"[visual] VISUAL or audible signal" includes a signal by hand, voice,~~  
14 ~~emergency light or siren.~~

15 (b) ~~If a police officer WHO IS DISPLAYING OFFICIAL POLICE INSIGNIA gives a~~  
16 ~~visual or audible signal to AN INDIVIDUAL TO stop [and the police officer is in~~  
17 ~~uniform, prominently displaying the police officer's badge or other insignia of office, a~~  
18 ~~driver of a vehicle], THE INDIVIDUAL may not attempt to elude the police officer by~~  
19 ~~[willfully failing to stop the driver's vehicle.~~

20 (c) ~~If a police officer gives a visual or audible signal to stop and the police~~  
21 ~~officer is in uniform, prominently displaying the police officer's badge or other~~  
22 ~~insignia of office, a driver may not attempt to elude the police officer by] fleeing:~~

23 (1) ~~IN A VEHICLE;~~

24 (2) ~~[on] ON foot[.~~

25 (d) ~~If a police officer gives a visual or audible signal to stop and the police~~  
26 ~~officer is in uniform, prominently displaying the police officer's badge or other~~  
27 ~~insignia of office, a driver may not attempt to elude the police officer by]; OR~~

28 (3) ~~BY any other means.~~

29 [(e) ~~If a police officer gives a visual or audible signal to stop and the police~~  
30 ~~officer, whether or not in uniform, is in a vehicle appropriately marked as an official~~  
31 ~~police vehicle, a driver of a vehicle may not attempt to elude the police officer by~~  
32 ~~willfully failing to stop the driver's vehicle.~~

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

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

5

**Article - Transportation**

6 27-101.

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

10 (i) For a first offense, a fine of not more than \$1,000, or  
 11 imprisonment 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 § 21-904 ~~[(b) or (e) ]~~  
 15 of this article that results in bodily injury ~~[- to another person ]~~ ~~OR PROPERTY~~  
 16 ~~DAMAGE CAUSED BY THE FLEEING INDIVIDUAL OR A PURSUING OFFICER~~ is subject  
 17 to a fine of not more than ~~[\$3,000]~~ \$5,000, or imprisonment for not more than ~~[3]~~ 5  
 18 years, or both.

19 (3) Any person who is convicted of a violation of § 21-904 ~~[(b) or (e) ]~~  
 20 of this article that results in a death of another person ~~CAUSED BY THE FLEEING~~  
 21 ~~INDIVIDUAL OR THE PURSUING OFFICER~~ is subject to a fine of not more than  
 22 ~~[\$5,000]~~ ~~\$10,000~~ \$5,000, or imprisonment for not more than ~~[5]~~ 10 years, or both.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 24 October 1, 1998.