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By: **Senator Forehand**

Introduced and read first time: February 23, 1998

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

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

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  
16 Section 16-402(a), 21-904, and 27-101(p)  
17 Annotated Code of Maryland  
18 (1992 Replacement Volume and 1997 Supplement)

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

21 **Article 27 - Crimes and Punishments**

22 139-1.

23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
24 INDICATED.

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

26 (I) POLICE UNIFORM WHICH PROMINENTLY DISPLAYS THE  
27 OFFICER'S BADGE OR OTHER INSIGNIA OF OFFICE; OR

1 (II) VEHICLE APPROPRIATELY MARKED AS AN OFFICIAL POLICE  
2 VEHICLE.

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

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

8 (1) IN A VEHICLE;

9 (2) ON FOOT; OR

10 (3) BY ANY OTHER MEANS.

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

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

16 (2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS  
17 SUBSECTION, FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN  
18 \$1,000, IMPRISONMENT NOT EXCEEDING 2 YEARS, OR BOTH;

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

22 (4) FOR AN OFFENSE RESULTING IN THE DEATH OF ANOTHER  
23 INDIVIDUAL CAUSED BY THE FLEEING INDIVIDUAL OR THE PURSUING OFFICER, A  
24 FINE OF NOT MORE THAN \$10,000, IMPRISONMENT NOT EXCEEDING 10 YEARS, OR  
25 BOTH.

26 **Article - Transportation**

27 16-402.

28 (a) After the conviction of an individual for a violation of Article 27, § 139-1, §  
29 388, § 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State  
30 or of any local authority, points shall be assessed against the individual as of the date  
31 of violation and as follows:

32 (1) Any moving violation not listed below and not contributing  
33 to an accident..... 1 point

34 (2) Following another vehicle too closely..... 2 points

1	(3)	Speeding in excess of the posted speed limit by 10 miles an	
2		hour or more .....	2 points
3	(4)	Driving with an improper class of license .....	2 points
4	(5)	Failing to stop for a school vehicle with alternately flashing	
5		lights.....	2 points
6	(6)	Any violation of § 21-1111 of this article .....	2 points
7	(7)	Passing an emergency or police vehicle under the provisions	
8		of § 21-405(d) of this article.....	2 points
9	(8)	A violation of § 21-511(a) of this article .....	2 points
10	(9)	Any moving violation contributing to an accident.....	3 points
11	(10)	Driving after suspension of license under the provisions of §	
12		17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic	
13		laws or regulations of another state as described in § 16-303(i) of this title .....	3 points
14	(11)	Any violation, except violations committed on the John F.	
15		Kennedy Memorial Highway, of § 21-1411 of this article .....	3 points
16	(12)	Reckless driving .....	4 points
17	(13)	Speeding in excess of the posted speed limit by 30 miles an	
18		hour or more .....	5 points
19	(14)	Driving while not licensed.....	5 points
20	(15)	Failure to report an accident.....	5 points
21	(16)	Driving on a learner's permit unaccompanied.....	5 points
22	(17)	Any violation of § 17-107 of this article .....	5 points
23	(18)	Participating in a race or speed contest on a highway .....	5 points
24	(19)	Any violation of § 16-304 or § 16-305 of this title .....	5 points
25	(20)	Any violation of § 22-404.5 of this article .....	5 points
26	(21)	Speeding in excess of a posted speed limit of 65 miles an	
27		hour by 20 miles an hour or more .....	5 points
28	(22)	Driving while under the influence of alcohol or while under	
29		influence of a drug, combination of drugs, or combination of drugs and	
30		alcohol.....	8 points
31	(23)	Turning off lights of a vehicle to avoid identification.....	8 points

- 1           (24)    Failing to stop after accident resulting in damage to  
2 attended vehicle or property..... 8 points
- 3           (25)    Failing to stop after accident resulting in damage to  
4 unattended vehicle or property..... 8 points
- 5           (26)    Any violation of § 16-815 or § 16-816 of this title ..... 8 points
- 6           (27)    Failing to stop after an accident resulting in bodily injury or  
7 death..... 12 points
- 8           (28)    Driving after refusal, suspension, cancellation, or revocation  
9 of license except for suspensions of license under the provisions of § 17-106,  
10 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or  
11 regulations of another state as described in § 16-303(i) of this title ..... 12 points
- 12          (29)    Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1)  
13 through (9) of this title..... 12 points
- 14          (30)    Homicide, life threatening injury under Article 27, § 388B of  
15 the Code, or assault committed by means of a vehicle ..... 12 points
- 16          (31)    Driving while intoxicated, while intoxicated per se, or while  
17 under the influence of illegally used controlled dangerous substance ..... 12 points
- 18          (32)    Any felony involving use of a vehicle..... 12 points
- 19          (33)    Fleeing or attempting to elude a police officer ..... 12 points
- 20          (34)    The making of a false affidavit or statement under oath, or  
21 falsely certifying to the truth of any fact or information to the Administration  
22 under the Maryland Vehicle Law or under any law relating to the ownership  
23 or operation of motor vehicles ..... 12 points
- 24          (35)    Any violation involving an unlawful taking or unauthorized  
25 use of a motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this  
26 article..... 12 points
- 27 21-904.

28   (a)   (1)    In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS  
29 INDICATED.

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

31                   (I)    POLICE UNIFORM WHICH PROMINENTLY DISPLAYS THE  
32 OFFICER'S BADGE OR OTHER INSIGNIA OF OFFICE; OR

33                   (II)   VEHICLE APPROPRIATELY MARKED AS AN OFFICIAL POLICE  
34 VEHICLE.

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

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

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

11 (1) IN A VEHICLE;

12 (2) [on] ON foot[.

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

16 (3) BY any other means.

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

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

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

29 27-101.

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

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

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

1           (2)       Any person who is convicted of a violation of § 21-904[(b) or (e)] of  
2 this article that results in bodily injury [to another person] OR PROPERTY DAMAGE  
3 CAUSED BY THE FLEEING INDIVIDUAL OR A PURSUING OFFICER is subject to a fine of  
4 not more than [\$3,000] \$5,000, or imprisonment for not more than [3] 5 years, or  
5 both.

6           (3)       Any person who is convicted of a violation of § 21-904[(b) or (e)] of  
7 this article that results in a death of another person CAUSED BY THE FLEEING  
8 INDIVIDUAL OR THE PURSUING OFFICER is subject to a fine of not more than  
9 [\$5,000] \$10,000, or imprisonment for not more than [5] 10 years, or both.

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