

SENATE BILL 738

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1998 Regular Session  
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By: **Senator Forehand**

Introduced and read first time: February 23, 1998

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 25, 1998

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 1998

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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  
16 Section ~~46-402(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:

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**Article 27—Crimes and Punishments**2 ~~139-1.~~

3 (A) (1) ~~IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS~~  
4 ~~INDICATED.~~

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

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

8 (II) ~~VEHICLE APPROPRIATELY MARKED AS AN OFFICIAL POLICE~~  
9 ~~VEHICLE.~~

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

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

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

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

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

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

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

23 (2) ~~EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS~~  
24 ~~SUBSECTION, FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN~~  
25 ~~\$1,000, IMPRISONMENT NOT EXCEEDING 2 YEARS, OR BOTH;~~

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

29 (4) ~~FOR AN OFFENSE RESULTING IN THE DEATH OF ANOTHER~~  
30 ~~INDIVIDUAL CAUSED BY THE FLEEING INDIVIDUAL OR THE PURSUING OFFICER, A~~  
31 ~~FINE OF NOT MORE THAN \$10,000, IMPRISONMENT NOT EXCEEDING 10 YEARS, OR~~  
32 ~~BOTH.~~

~~Article – Transportation~~

2 ~~16-402.~~

3 (a) After the conviction of an individual for a violation of Article 27, § 139-1, §  
4 388, § 388A, or § 388B of the Code, or of the vehicle laws or regulations of this State  
5 or of any local authority, points shall be assessed against the individual as of the date  
6 of violation and as follows:

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

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

10 (3) Speeding in excess of the posted speed limit by 10 miles an  
11 hour or more ..... 2 points

12 (4) Driving with an improper class of license ..... 2 points

13 (5) Failing to stop for a school vehicle with alternately flashing  
14 lights ..... 2 points

15 (6) Any violation of § 21-1111 of this article ..... 2 points

16 (7) Passing an emergency or police vehicle under the provisions  
17 of § 21-405(d) of this article ..... 2 points

18 (8) A violation of § 21-511(a) of this article ..... 2 points

19 (9) Any moving violation contributing to an accident ..... 3 points

20 (10) Driving after suspension of license under the provisions of §  
21 17-106, § 26-204, § 26-206, or § 27-103 of this article, or under the traffic  
22 laws or regulations of another state as described in § 16-303(i) of this title ..... 3 points

23 (11) Any violation, except violations committed on the John F.  
24 Kennedy Memorial Highway, of § 21-1411 of this article ..... 3 points

25 (12) Reckless driving ..... 4 points

26 (13) Speeding in excess of the posted speed limit by 30 miles an  
27 hour or more ..... 5 points

28 (14) Driving while not licensed ..... 5 points

29 (15) Failure to report an accident ..... 5 points

30 (16) Driving on a learner's permit unaccompanied ..... 5 points

31 (17) Any violation of § 17-107 of this article ..... 5 points

- 1           (18)    Participating in a race or speed contest on a highway ~~5~~ points
- 2           (19)    Any violation of § 16-304 or § 16-305 of this title ~~5~~ points
- 3           (20)    Any violation of § 22-404.5 of this article ~~5~~ points
- 4           (21)    Speeding in excess of a posted speed limit of 65 miles an  
5 hour by 20 miles an hour or more ..... 5 points
- 6           (22)    Driving while under the influence of alcohol or while under  
7 influence of a drug, combination of drugs, or combination of drugs and  
8 alcohol ..... 8 points
- 9           (23)    Turning off lights of a vehicle to avoid identification ..... 8 points
- 10          (24)    Failing to stop after accident resulting in damage to  
11 attended vehicle or property ..... 8 points
- 12          (25)    Failing to stop after accident resulting in damage to  
13 unattended vehicle or property ..... 8 points
- 14          (26)    Any violation of § 16-815 or § 16-816 of this title ..... 8 points
- 15          (27)    Failing to stop after an accident resulting in bodily injury or  
16 death ..... 12 points
- 17          (28)    Driving after refusal, suspension, cancellation, or revocation  
18 of license except for suspensions of license under the provisions of § 17-106,  
19 § 26-204, § 26-206, or § 27-103 of this article, or under the traffic laws or  
20 regulations of another state as described in § 16-303(i) of this title ..... 12 points
- 21          (29)    Any violation of § 16-301, § 16-302, § 16-804, or § 16-808(1)  
22 through (9) of this title ..... 12 points
- 23          (30)    Homicide, life-threatening injury under Article 27, § 388B of  
24 the Code, or assault committed by means of a vehicle ..... 12 points
- 25          (31)    Driving while intoxicated, while intoxicated per se, or while  
26 under the influence of illegally used controlled dangerous substance ..... 12 points
- 27          (32)    Any felony involving use of a vehicle ..... 12 points
- 28          (33)    Fleeing or attempting to elude a police officer ..... 12 points
- 29          (34)    The making of a false affidavit or statement under oath, or  
30 falsely certifying to the truth of any fact or information to the Administration  
31 under the Maryland Vehicle Law or under any law relating to the ownership  
32 or operation of motor vehicles ..... 12 points
- 33          (35)    Any violation involving an unlawful taking or unauthorized  
34 use of a motor vehicle under Article 27, § 342A or § 349, or § 14-102 of this

1 article.....12 points

2 21-904.

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

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

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

8 (II) VEHICLE APPROPRIATELY MARKED AS AN OFFICIAL POLICE  
9 VEHICLE.

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

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

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

20 (1) IN A VEHICLE;

21 (2) [on] ON foot[.

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

25 (3) BY any other means.

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

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

34 (g) If a police officer gives a visual or audible signal to stop and the police  
35 officer, whether or not in uniform, is in a vehicle appropriately marked as an official

1 ~~police vehicle, a driver of a vehicle may not attempt to elude the police officer by any~~  
2 ~~other means.]~~

3

**Article - Transportation**

4 27-101.

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

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

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

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

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

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