
By: **Senator Jacobs**

Introduced and read first time: February 4, 2000

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of making it a felony for the driver of a vehicle to elude a police
4 officer under certain circumstances resulting in bodily injury to or death of
5 another person; increasing the penalties for eluding a police officer which
6 results in bodily injury to or death of another person; and generally relating to
7 penalties for eluding a police officer under certain circumstances.

8 BY repealing
9 Article - Transportation
10 Section 27-101(p)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Transportation
15 Section 21-904 and 27-101(q) and (r)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 1999 Supplement)

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

20 **Article - Transportation**

21 21-904.

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

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

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

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

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

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

17 (g) 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 any
20 other means.

21 (H) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS
22 SUBSECTION, A PERSON VIOLATING ANY OF THE PROVISIONS OF THIS SECTION IS
23 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

24 (I) FOR A FIRST OFFENSE, A FINE OF NOT MORE THAN \$1,000 OR
25 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH; AND

26 (II) FOR ANY SUBSEQUENT OFFENSE, A FINE OF NOT MORE THAN
27 \$1,000 OR IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR BOTH.

28 (2) A PERSON WHO COMMITS A VIOLATION OF SUBSECTION (B) OR (E) OF
29 THIS SECTION THAT RESULTS IN BODILY INJURY TO ANOTHER PERSON IS GUILTY OF
30 A FELONY AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$5,000 OR
31 IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

32 (3) A PERSON WHO COMMITS A VIOLATION OF SUBSECTION (B) OR (E) OF
33 THIS SECTION THAT RESULTS IN THE DEATH OF ANOTHER PERSON IS GUILTY OF A
34 FELONY AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$5,000 OR
35 IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR BOTH.

36 27-101.

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

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

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

5 (2) Any person who is convicted of a violation of § 21-904(b) or (e) of this
6 article that results in bodily injury to another person is subject to a fine of not more
7 than \$5,000, or imprisonment for not more than 3 years, or both.

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

11 [(q)] (P) (1) Any person who is convicted of a violation of § 21-902(a) of this
12 article and who, at the time of the offense, was transporting a minor is subject to:

13 (i) For a first offense, a fine of not more than \$2,000 or
14 imprisonment for not more than 2 years or both;

15 (ii) For a second offense, a fine of not more than \$3,000 or
16 imprisonment for not more than 3 years or both; and

17 (iii) For a third or subsequent offense, a fine of not more than \$4,000
18 or imprisonment for not more than 4 years or both.

19 (2) Any person who is convicted of a violation of § 21-902(b), § 21-902(c),
20 or § 21-902(d) of this article and who, at the time of the offense, was transporting a
21 minor is subject to:

22 (i) For a first offense, a fine of not more than \$1,000 or
23 imprisonment for not more than 6 months or both; and

24 (ii) For a second or subsequent offense, a fine of not more than
25 \$2,000 or imprisonment for not more than 1 year or both.

26 (3) For the purpose of determining second or subsequent offender
27 penalties provided under this subsection, a prior conviction of any provision of §
28 21-902 of this article that subjected a person to the penalties under this subsection
29 shall be considered a prior conviction.

30 [(r)] (Q) Any person who is convicted of a violation of § 21-803.1(e) of this
31 article (Fines doubled for speeding within school zones) is subject to a fine of not more
32 than \$1,000.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2000.