

---

By: **Senator Ferguson**

Introduced and read first time: February 2, 2001

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Fleeing and Eluding Police - Penalties**

3 FOR the purpose of providing that a person who flees and eludes or attempts to flee  
4 and elude a police officer under certain circumstances is guilty of a felony;  
5 providing that a person who assaults another person while fleeing and eluding  
6 police is guilty of a felony; providing penalties for a violation of this Act; and  
7 generally relating to fleeing and eluding police.

8 BY repealing and reenacting, with amendments,  
9 Article 27 - Crimes and Punishments  
10 Section 12A-2  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 2000 Supplement)

13 BY adding to  
14 Article 27 - Crimes and Punishments  
15 Section 12A-8  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume and 2000 Supplement)

18 BY repealing and reenacting, without amendments,  
19 Article - Transportation  
20 Section 21-904 and 27-101(a) and (p)  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2000 Supplement)

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

1

**Article 27 - Crimes and Punishments**

2 12A-2.

3 (a) (1) Any person who recklessly engages in conduct that creates a  
4 substantial risk of death or serious physical injury to another person is guilty of the  
5 misdemeanor of reckless endangerment and on conviction is subject to a fine of not  
6 more than \$5,000 or imprisonment for not more than 5 years or both.

7 (2) Subject to the provisions of subsection (b) of this section, any person  
8 who recklessly discharges a firearm from a motor vehicle in such a manner that it  
9 creates a substantial risk of death or serious physical injury to another person is  
10 guilty of the misdemeanor of reckless endangerment and on conviction is subject to a  
11 fine not exceeding \$5,000 or imprisonment not exceeding 5 years or both.

12 (3) ANY PERSON WHO FLEES AND ELUDES OR ATTEMPTS TO FLEE AND  
13 ELUDE A POLICE OFFICER IN VIOLATION OF § 21-904 OF THE TRANSPORTATION  
14 ARTICLE IN A RECKLESS MANNER THAT CREATES A SUBSTANTIAL RISK OF DEATH OR  
15 SERIOUS PHYSICAL INJURY TO ANOTHER PERSON IS GUILTY OF THE FELONY OF  
16 RECKLESS ENDANGERMENT AND ON CONVICTION IS SUBJECT TO A FINE NOT  
17 EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 15 YEARS OR BOTH.

18 (b) (1) Subsection (a)(1) of this section does not apply to any conduct  
19 involving:

20 (i) The use of a motor vehicle as defined in § 11-135 of the  
21 Transportation Article; or

22 (ii) The manufacture, production, or sale of any product or  
23 commodity.

24 (2) Subsection (a)(2) of this section does not apply to any conduct  
25 involving:

26 (i) A law enforcement officer or security guard in the performance  
27 of the officer's or security guard's official duty; or

28 (ii) An individual acting in defense of a crime of violence.

29 (c) If more than one person is endangered by the conduct of the defendant, a  
30 separate charge may be brought for each person endangered.

31 12A-8.

32 (A) A PERSON MAY NOT ASSAULT ANOTHER PERSON WHILE VIOLATING §  
33 21-904 OF THE TRANSPORTATION ARTICLE.

34 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF  
35 ASSAULT AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR  
36 IMPRISONMENT NOT EXCEEDING 20 YEARS OR BOTH.

1

**Article - Transportation**

2 21-904.

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

5 (b) 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 of a vehicle may not attempt to elude the police officer by  
8 willfully failing to stop the driver's vehicle.

9 (c) If a police officer gives a visual or audible signal to stop and the police  
10 officer is in uniform, prominently displaying the police officer's badge or other  
11 insignia of office, a driver may not attempt to elude the police officer by fleeing on  
12 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 any other  
16 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 (a) It is a misdemeanor for any person to violate any of the provisions of the  
31 Maryland Vehicle Law unless the violation:

32 (1) Is declared to be a felony by the Maryland Vehicle Law or by any  
33 other law of this State; or

34 (2) Is punishable by a civil penalty under the applicable provision of the  
35 Maryland Vehicle Law.

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

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

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

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

11 (3) Any person who is convicted of a violation of § 21-904(b) or (e) of this  
12 article that results in a death of another person is subject to a fine of not more than  
13 \$5,000, or imprisonment for not more than 10 years, or both.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2001.