

HOUSE BILL 1338

R5

2lr3077

By: **Delegate Parrott**

Introduced and read first time: February 16, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Fleeing or Eluding Police**

3 FOR the purpose of making it a felony for a driver of a vehicle to attempt, in a certain
4 manner, to elude a police officer who gives the driver a visual or an audible
5 signal to stop and the driver's actions pose a risk of imminent bodily injury to,
6 result in bodily injury to, or result in the death of another person; altering the
7 law to prohibit a driver who has been given a visual or an audible signal to stop
8 by a police officer from attempting to elude the police officer in a manner that
9 poses a risk of imminent bodily injury to another person; providing an exception
10 to the prohibition against attempting to elude a police officer under certain
11 circumstances to allow a driver who has been given a visual or an audible
12 signal to stop by the police officer in an appropriately marked police vehicle to
13 proceed directly to a police station or any other public area before stopping;
14 defining certain terms; altering a certain definition; making conforming
15 changes; and generally relating to eluding police officers by drivers of vehicles
16 under certain circumstances.

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 21–904
20 Annotated Code of Maryland
21 (2009 Replacement Volume and 2011 Supplement)

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

24 **Article – Transportation**

25 21–904.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section[, “visual or audible] **THE FOLLOWING WORDS**
2 **HAVE THE MEANINGS INDICATED.**

3 (2) **“APPROPRIATELY MARKED POLICE VEHICLE” MEANS AN**
4 **OFFICIAL POLICE VEHICLE DISPLAYING:**

5 (I) **THE OFFICIAL EMBLEM OR INSIGNIA OF A POLICE OR**
6 **SHERIFF’S DEPARTMENT OF THE STATE OR A COUNTY OR MUNICIPALITY IN THE**
7 **STATE;**

8 (II) **THE OFFICIAL EMBLEM OR INSIGNIA OF THE STATE OR**
9 **A COUNTY OR MUNICIPALITY IN THE STATE; OR**

10 (III) 1. **AN ACTIVATED SIREN; AND**

11 2. **AN ACTIVATED FLASHING RED AND BLUE LIGHT**
12 **OR ACTIVATED FLASHING BLUE LIGHT.**

13 (3) **“AUDIBLE SIGNAL” INCLUDES A SIREN OR SIGNAL BY VOICE.**

14 (4) **“ELUDE” MEANS TO ATTEMPT TO ESCAPE OR FLEE WITH THE**
15 **INTENT TO AVOID AN ENCOUNTER WITH THE POLICE.**

16 (5) **“VISUAL signal” includes a signal by hand[, voice,] OR emergency**
17 **light [or siren].**

18 (b) If a police officer gives a visual **SIGNAL** or **AN** audible signal to stop and
19 the police officer is in uniform, prominently displaying the police officer’s badge or
20 other insignia of office, a driver of a vehicle may not attempt to elude the police officer
21 by:

22 (1) Willfully failing to stop the driver’s vehicle;

23 (2) Fleeing on foot; or

24 (3) Any other means.

25 (c) If a police officer gives a visual **SIGNAL** or **AN** audible signal to stop and
26 the police officer, whether or not in uniform, is in [a vehicle] **AN** appropriately marked
27 [as an official] police vehicle, a driver of a vehicle may not attempt to elude the police
28 officer by:

29 (1) Willfully failing to stop the driver’s vehicle **UNLESS, WHILE**
30 **OBEYING TRAFFIC LAWS, THE DRIVER PROCEEDS DIRECTLY TO A NEARBY**

1 POLICE STATION OR ANY OTHER LIGHTED PUBLIC LOCATION TO STOP THE
2 DRIVER'S VEHICLE;

3 (2) Fleeing on foot; or

4 (3) Any other means.

5 (d) (1) A driver may not commit a violation of subsection (b)(1) or (c)(1) of
6 this section that **POSES A RISK OF IMMINENT BODILY INJURY OR** results in bodily
7 injury to another person.

8 (2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of
9 this section that results in death of another person.

10 (3) **A VIOLATION OF THIS SUBSECTION IS A FELONY.**

11 (e) (1) In this subsection, "crime of violence" has the meaning stated in §
12 14-101 of the Criminal Law Article.

13 (2) A driver may not commit a violation of subsection (b)(1) or (c)(1) of
14 this section while the driver is attempting to elude a police officer who is signaling for
15 the driver to stop for the purpose of apprehending the driver for the commission of a
16 crime of violence for which the driver is subsequently convicted.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2012.