

SENATE BILL 205

R5

3lr1900
CF HB 732

By: ~~Senator Shank~~ **Senators Shank and Forehand**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 19, 2013

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of prohibiting a driver who has been given a visual or audible signal
4 to stop by a police officer in a vehicle that is not an appropriately marked police
5 vehicle but is displaying an activated flashing blue or red and blue light from
6 attempting to elude the police officer; creating an exception to the prohibition
7 ~~against attempting to elude a police officer under certain circumstances to allow~~
8 ~~a driver who has been given a visual or an audible signal to stop by a police~~
9 ~~officer in a vehicle that is not an appropriately marked police vehicle but is~~
10 ~~displaying an activated flashing blue or red and blue light under this Act to~~
11 ~~allow a driver to proceed directly to a police station or any other lighted public~~
12 ~~location before stopping; altering the law to prohibit a driver who has been~~
13 ~~given a visual or an audible signal to stop by a police officer from attempting to~~
14 ~~elude the police officer in a manner that poses a risk of imminent bodily injury~~
15 ~~to another person; making it a felony for a driver to attempt, in a certain~~
16 ~~manner, to elude a police officer who gives the driver a visual or an audible~~
17 ~~signal to stop and the driver's actions pose a risk of imminent bodily injury to,~~
18 ~~result in bodily injury to, or result in the death of another person; defining~~
19 certain terms; altering a certain definition; making conforming changes; and
20 generally relating to eluding police officers by drivers of vehicles under certain
21 circumstances.

22 BY repealing and reenacting, with amendments,

23 Article – Transportation

24 Section 21–904

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2012 Replacement Volume)

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

5 **Article – Transportation**

6 21–904.

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

9 **(2)** **“APPROPRIATELY MARKED POLICE VEHICLE” MEANS AN**
10 **OFFICIAL POLICE VEHICLE DISPLAYING:**

11 **(I) THE OFFICIAL EMBLEM OR INSIGNIA OF A POLICE OR**
12 **SHERIFF’S DEPARTMENT OF THE STATE OR A COUNTY OR MUNICIPALITY IN THE**
13 **STATE; OR**

14 **(II) THE OFFICIAL EMBLEM OR INSIGNIA OF THE STATE OR**
15 **A COUNTY OR MUNICIPALITY IN THE STATE.**

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

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

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

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

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

26 (2) Fleeing on foot; or

27 (3) Any other means.

28 (c) If a police officer gives a visual **SIGNAL** or **AN** audible signal to stop and
29 the police officer, whether or not in uniform, is in [a vehicle] **AN** appropriately marked

1 [as an official] police vehicle, a driver of a vehicle may not attempt to elude the police
2 officer by:

- 3 (1) Willfully failing to stop the driver's vehicle;
- 4 (2) Fleeing on foot; or
- 5 (3) Any other means.

6 **(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A**
7 **POLICE OFFICER GIVES A VISUAL SIGNAL OR AN AUDIBLE SIGNAL TO STOP AND**
8 **THE POLICE OFFICER IS IN A VEHICLE THAT IS NOT AN APPROPRIATELY**
9 **MARKED POLICE VEHICLE BUT IS DISPLAYING AN ACTIVATED FLASHING BLUE**
10 **OR RED AND BLUE LIGHT, A DRIVER OF A VEHICLE MAY NOT ATTEMPT TO ELUDE**
11 **THE POLICE OFFICER BY:**

- 12 **(I) WILLFULLY FAILING TO STOP THE DRIVER'S VEHICLE;**
- 13 **(II) FLEEING ON FOOT; OR**
- 14 **(III) ANY OTHER MEANS.**

15 **(2) IT IS NOT A VIOLATION OF THIS SUBSECTION IF THE DRIVER,**
16 **WHILE OBEYING TRAFFIC LAWS, PROCEEDS DIRECTLY TO A NEARBY POLICE**
17 **STATION OR ANY OTHER LIGHTED PUBLIC LOCATION BEFORE STOPPING.**

18 ~~[(d)]~~ **(E) (1)** A driver may not commit a violation of subsection (b)(1) [or],
19 (c)(1), **OR (D)(1)** of this section that ~~POSES A RISK OF IMMINENT BODILY INJURY~~
20 ~~OR~~ results in bodily injury to another person.

21 (2) A driver may not commit a violation of subsection (b)(1) [or], (c)(1),
22 **OR (D)(1)** of this section that results in death of another person.

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

24 ~~[(e)]~~ **(F) (1)** In this subsection, "crime of violence" has the meaning
25 stated in § 14-101 of the Criminal Law Article.

26 (2) A driver may not commit a violation of subsection (b)(1) [or], (c)(1),
27 **OR (D)(1)** of this section while the driver is attempting to elude a police officer who is
28 signaling for the driver to stop for the purpose of apprehending the driver for the
29 commission of a crime of violence for which the driver is subsequently convicted.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.