

1 HB25
2 203423-1
3 By Representatives Stadthagen and Wood (R)
4 RFD: Judiciary
5 First Read: 04-FEB-20
6 PFD: 01/14/2020

SYNOPSIS: Under current law, attempting to elude a law enforcement officer is a Class A misdemeanor unless the flight or attempt to elude causes the death or physical injury to an innocent person, in which case the violation is a Class C felony.

This bill would provide that a violation of attempting to elude would constitute a Class C felony and violation of attempting to elude that causes death or physical injury would constitute a Class B felony.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official ReCompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment.

7 However, the bill does not require approval of a
8 local governmental entity or enactment by a 2/3
9 vote to become effective because it comes within
10 one of the specified exceptions contained in the
11 amendment.

12
13 A BILL

14 TO BE ENTITLED

15 AN ACT

16
17 Relating to crimes and offenses; to amend Section
18 13A-10-52, Code of Alabama 1975, to revise the criminal
19 penalties for a violation of attempting to elude; and in
20 connection therewith would have as its purpose or effect the
21 requirement of a new or increased expenditure of local funds
22 within the meaning of Amendment 621 of the Constitution of
23 Alabama of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of Alabama of 1901,
25 as amended.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 13A-10-52, Code of Alabama 1975,
2 is amended to read as follows:

3 "§13A-10-52.

4 "(a) It shall be unlawful for a person to
5 intentionally flee by any means from anyone the person knows
6 to be a law enforcement officer if the person knows the
7 officer is attempting to arrest the person.

8 "(b) It shall be unlawful for a person while
9 operating a motor vehicle on a street, road, alley, or highway
10 in this state, to intentionally flee or attempt to elude a law
11 enforcement officer after having received a signal from the
12 officer to bring the vehicle to a stop.

13 "(c) A violation of subsection (a) or (b) is a Class
14 ~~A misdemeanor~~ C felony unless the flight or attempt to elude
15 causes an actual death or physical injury to innocent
16 bystanders or third parties, in which case the violation shall
17 be a Class ~~C~~ B felony. In addition, the court shall order the
18 suspension of the driver's license of the defendant for a
19 period of not less than six months nor more than two years."

20 Section 2. Although this bill would have as its
21 purpose or effect the requirement of a new or increased
22 expenditure of local funds, the bill is excluded from further
23 requirements and application under Amendment 621, now
24 appearing as Section 111.05 of the Official Recompile of
25 the Constitution of Alabama of 1901, as amended, because the
26 bill defines a new crime or amends the definition of an
27 existing crime.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.