

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-817 of the Code of Virginia, relating to disregarding signal by*
3 *law-enforcement officer to stop; eluding police; penalties.*

4 [H 533]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-817 of the Code of Virginia is amended and reenacted as follows:**

8 § 46.2-817. Disregarding signal by law-enforcement officer to stop; eluding police; penalties.

9 A. Any person who, having received a visible or audible signal from any law-enforcement officer to
10 bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such
11 signal or who attempts to escape or elude such law-enforcement officer, shall be guilty of a Class 3
12 misdemeanor. It shall be an affirmative defense to a charge of a violation of this subsection if the
13 defendant shows he reasonably believed he was being pursued by a person other than a law-enforcement
14 officer.

15 B. Any person who, having received a visible or audible signal from any law-enforcement officer to
16 bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such
17 signal so as to interfere with or endanger the operation of the law-enforcement vehicle or endanger a
18 person shall be guilty of a Class 6 felony. *It shall be an affirmative defense to a charge of a violation*
19 *of this subsection if the defendant shows he reasonably believed he was being pursued by a person*
20 *other than a law-enforcement officer.*

21 C. When any person is convicted of a misdemeanor under this section, in addition to the other
22 penalties provided in this section, the driver's license of such person may be suspended by the court for
23 a period of not less than thirty days nor more than one year. However, in any case where the speed of
24 such person is determined to have exceeded the maximum allowed by twenty miles per hour, his driver's
25 license shall be suspended by the court trying the case for a period of not less than ninety days. In case
26 of conviction and suspension, the court or judge shall order the surrender of the license to the court,
27 which shall dispose of it in accordance with the provisions of § 46.2-398.

ENROLLED

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