

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 505

An Act to amend and reenact § 46.2-817 of the Code of Virginia, relating to eluding police; penalty.

[S 405]

Approved April 5, 2002

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-817 of the Code of Virginia is amended and reenacted as follows:

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

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

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

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