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HOUSE BILL NO. 368

Offered January 9, 2002

Prefiled January 8, 2002

A BILL to amend and reenact § 46.2-817 of the Code of Virginia, relating to disregarding signal by law-enforcement officer to stop; eluding police; penalty.

 Patron—Cosgrove

 Referred to Committee on Militia, Police and Public Safety

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; penalty.

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~~ 6 felony. *However, if an injury results from the offense, the person is guilty of a Class 5 felony, and if a death results from the offense, the person is guilty of a Class 4 felony.* It shall be an affirmative defense to a charge of a violation of this ~~subsection~~ section 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 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~~ under this section, in addition to the other penalties provided in this section, the driver's license of such person may 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.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

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