

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

3 [S 405]

4 Approved

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

7 § 46.2-817. Disregarding signal by law-enforcement officer to stop; eluding police; penalties.

8 A. Any person who, having received a visible or audible signal from any law-enforcement officer to  
9 bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such  
10 signal or who attempts to escape or elude such law-enforcement officer, ~~shall be~~ is guilty of a Class 3  
11 misdemeanor. It shall be an affirmative defense to a charge of a violation of this subsection if the  
12 defendant shows he reasonably believed he was being pursued by a person other than a law-enforcement  
13 officer.14 B. Any person who, having received a visible or audible signal from any law-enforcement officer to  
15 bring his motor vehicle to a stop, drives such motor vehicle in a willful and wanton disregard of such  
16 signal so as to interfere with or endanger the operation of the law-enforcement vehicle or endanger a  
17 person ~~shall be~~ is guilty of a Class 6 felony. It shall be an affirmative defense to a charge of a violation  
18 of this subsection if the defendant shows he reasonably believed he was being pursued by a person other  
19 than a law-enforcement officer.20 C. When any person is convicted of a ~~misdemeanor~~ *an offense* under this section, in addition to the  
21 other penalties provided in this section, the driver's license of such person ~~may~~ *shall* be suspended by  
22 the court for a period of not less than thirty days nor more than one year. However, in any case where  
23 the speed of such person is determined to have exceeded the maximum allowed by twenty miles per  
24 hour, his driver's license shall be suspended by the court trying the case for a period of not less than  
25 ninety days. In case of conviction and suspension, the court or judge shall order the surrender of the  
26 license to the court, which shall dispose of it in accordance with the provisions of § 46.2-398.

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