

LD8822144

HOUSE BILL NO. 1739

Offered January 18, 1995

A BILL to amend and reenact §§ 19.2-368.2 and 46.2-817 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 46.2-817.1 and 46.2-817.2, relating to eluding police.

Patrons—Harris, Albo, Callahan, Connally, Darner, Dillard, Fisher, Hull, Keating, May, McClure, Mims, O'Brien, Plum, Puller, Scott and Van Landingham; Senators: Barry, Calhoun, Gartlan, Howell, Saslaw and Woods

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-368.2 and 46.2-817 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 46.2-817.1 and 46.2-817.2 as follows:

§ 19.2-368.2. Definitions.

For the purpose of this chapter:

"Claimant" means the person filing a claim pursuant to this chapter.

"Commission" means the Virginia Workers' Compensation Commission.

"Crime" means an act committed by any person in the Commonwealth of Virginia which would constitute a crime as defined by the Code of Virginia or at common law. However, no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this chapter unless the injuries (i) were intentionally inflicted through the use of such vehicle or, (ii) resulted from a violation of § 18.2-266 or (iii) resulted from a violation of § 46.2-817.1, and the person filing a claim was neither the driver of nor an occupant in a motor vehicle being driven to elude a law-enforcement officer.

"Family," when used with reference to a person, means (i) any person related to such person within the third degree of consanguinity or affinity, (ii) any person residing in the same household with such person, or (iii) a spouse.

"Victim" means a person who suffers personal physical injury or death as a direct result of a crime or who suffers personal emotional injury as a direct result of being the subject of a robbery, abduction or attempted robbery or abduction.

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

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 or wanton disregard of such signal so as to interfere with or endanger the operation of the law-enforcement vehicle or endanger other property or person, or who increases his speed and attempts to escape or elude such law-enforcement officer, shall be guilty of a Class 1 misdemeanor.

If serious bodily injury to another results from a violation of the preceding paragraph, the offender shall be guilty of a Class 6 felony.

When any person is convicted 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 or judge for a period not to exceed one year. However, in any case where the speed of the accused is determined to have exceeded the maximum allowed by fifteen miles per hour where the maximum speed is fifty-five miles per hour or greater, 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.

§ 46.2-817.1. Reckless driving to elude law-enforcement officer; penalties.

Any person who, having received a visible or audible signal from any law-enforcement officer to bring his motor vehicle to a stop, increases the speed or drives in a reckless manner and attempts to escape or elude such law-enforcement officer, shall be guilty of a Class 6 felony. If such actions result in the death or serious injury of any other person, a violation of this section shall be punishable as a Class 5 felony.

When any person is convicted under this section, in addition to the other penalties provided in this section, the court may suspend the driver's license of such person for a period not to exceed one year. However, in any case where the speed of the accused is determined to have exceeded the maximum allowed by fifteen miles per hour where the maximum speed is fifty-five miles per hour or greater, the driver's license shall be suspended by the court trying the case for a period of not less than ninety days but not more than one year. In case of conviction and suspension the court or judge shall order the

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60 *surrender of the license to the court, which shall dispose of it in accordance with the provisions of*
61 *§ 46.2-398.*

62 *§ 46.2-817.2. Reckless driving to elude law-enforcement officer; seizure of motor vehicle.*

63 *In addition to any other penalties provided by law, if the owner of a motor vehicle is convicted of*
64 *recklessly driving such vehicle to elude a law-enforcement officer in violation of § 46.2-817.1, or if the*
65 *owner of the vehicle was present in the vehicle which was being operated by another in violation of*
66 *§ 46.2-817.1 and the owner of that vehicle knowingly consented to the reckless driving to elude a*
67 *law-enforcement officer, the vehicle shall be subject to seizure, forfeiture and sale or public use in*
68 *accordance with §§ 4.1-339 through 4.1-347, mutatis mutandis.*