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HOUSE BILL NO. 1871

Offered January 8, 1997

A BILL to amend and reenact § 46.2-817 of the Code of Virginia, relating to eluding police; penalties.

Patron—Rhodes (By Request)

Referred to Committee for Courts of Justice

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.

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, shall be guilty of a Class 4 misdemeanor.

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 a person, or who increases his speed and attempts to escape or elude such law-enforcement officer, shall be guilty of a Class 4 ~~misdemeanor~~ *felony*.

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

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$250,000.

INTRODUCED

HB1871