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HOUSE BILL NO. 1800

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Appropriations
on February 4, 1999)

(Patron Prior to Substitute—Delegate McDonnell)

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; penalties.

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 guilty of a Class 4 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 ~~or~~ *and* 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 *6 felony*. *If serious bodily injury to another results from a violation of the preceding paragraph this subsection, the offender shall be guilty of a Class 6 5 felony.*

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 ~~or judge~~ for a period ~~not to exceed~~ *of not less than thirty days nor more than one year*. However, in any case where the speed of ~~the accused such person~~ is determined to have exceeded the maximum allowed by ~~fifteen~~ *twenty* 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 \$514,344 in FY 2009.

3. That the provisions of this act shall become effective on July 1, 2000.

HOUSE SUBSTITUTE

HB1800H1