

992222736

SENATE BILL NO. 809

Offered January 13, 1999

A *BILL to amend and reenact § 46.2-817 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-817.1, relating to disregarding or eluding law enforcement officer; vehicle forfeiture; penalties.*

Patron—Schrock

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-817 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-817.1 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, shall be guilty of a Class 4 3 misdemeanor.

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 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.

C. If serious bodily injury to another results from a violation of the preceding paragraph subsection B, the offender shall be guilty of a Class 6 5 felony.

D. 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~~ shall be suspended by the court or judge for a period ~~not to exceed~~ of not less than thirty days nor more than one year. When any person is convicted of a felony under this section, in addition to the other penalties provided in this section, the driver's license of such person shall be suspended by the court or judge for a period of not less than 180 days or more than one year. ~~However, in~~ In any case where the speed of the accused 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,~~ in addition to the other penalties provided in this section, his driver's license shall be suspended by the court trying the case for a period of not less than ninety days.

E. 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.

F. Any license suspension under this section shall be in addition to and shall run consecutively with any other license suspension, revocation or forfeiture in effect against such person.

§ 46.2-817.1. Forfeiture of vehicle for eluding law-enforcement officer.

If the owner of a motor vehicle is convicted of a felony under § 46.2-817 while using such vehicle, the vehicle shall be forfeited to the Commonwealth, subject to the rights of an innocent owner and lien holders.

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 2000.

INTRODUCED

SB809