

1 HB509
2 117251-1
3 By Representatives Johnson and Hurst
4 RFD: Judiciary
5 First Read: 04-FEB-10

2
3
4
5
6
7
8 SYNOPSIS: Existing law makes it a felony to cause
9 death or physical injury to a third party or
10 innocent bystander when committing the crime of
11 fleeing or attempting to elude a law enforcement
12 officer.

13 This bill would include causing death or
14 physical injury to a law enforcement officer when
15 committing the offense in the felony enhancement
16 provision of the law.

17 Amendment 621 of the Constitution of Alabama
18 of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, prohibits a general
21 law whose purpose or effect would be to require a
22 new or increased expenditure of local funds from
23 becoming effective with regard to a local
24 governmental entity without enactment by a 2/3 vote
25 unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 To amend Section 3 of Act 2009-616 of the 2009
16 Regular Session (Acts 2009, p. 1779), now appearing as Section
17 13A-10-52 of the Code of Alabama 1975, providing for the crime
18 of fleeing or attempting to elude a law enforcement officer;
19 to include causing death or physical injury to a law
20 enforcement officer in the felony enhancement provision; and
21 in connection therewith would have as its purpose or effect
22 the requirement of a new or increased expenditure of local
23 funds within the meaning of Amendment 621 of the Constitution
24 of Alabama of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of Alabama of 1901,
26 as amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 3 of Act 2009-616 of the 2009
2 Regular Session (Acts 2009, p. 1779), now appearing as Section
3 13A-10-52 of the Code of Alabama 1975, is amended to read as
4 follows:

5 "§13A-10-52.

6 "(a) It shall be unlawful for a person to
7 intentionally flee by any means from anyone the person knows
8 to be a law enforcement officer if the person knows the
9 officer is attempting to arrest the person.

10 "(b) It shall be unlawful for a person while
11 operating a motor vehicle on a street, road, alley, or highway
12 in this state, to intentionally flee or attempt to elude a law
13 enforcement officer after having received a signal from the
14 officer to bring the vehicle to a stop.

15 "(c) A violation of subsection (a) or (b) is a Class
16 A misdemeanor unless the flight or attempt to elude causes ~~an~~
17 ~~actual~~ death or physical injury to an innocent bystanders or
18 bystander, a third parties party, or a law enforcement
19 officer, in which case the violation shall be a Class C
20 felony. In addition, the court shall order the suspension of
21 the driver's license of the defendant for a period of not less
22 than six months nor more than two years."

23 Section 2. Although this bill would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds, the bill is excluded from further
26 requirements and application under Amendment 621, now
27 appearing as Section 111.05 of the Official Recompilation of

1 the Constitution of Alabama of 1901, as amended, because the
2 bill defines a new crime or amends the definition of an
3 existing crime.

4 Section 3. This act shall become effective
5 immediately following its passage and approval by the
6 Governor, or its otherwise becoming law.