

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1368

By: Steidley

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 540A, which relates to eluding or attempting to elude a peace officer; modifying penalties; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 540A, is amended to read as follows:

Section 540A. A. Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren from a peace officer driving a motor vehicle showing the same to be an official police, sheriff, highway patrol or state game ranger vehicle directing the said operator to bring his vehicle to a stop and who willfully increases his speed or extinguishes his lights in an attempt to elude such peace officer, or willfully attempts in any other manner to elude the peace officer, or who does elude such peace officer, is guilty of a ~~misdemeanor~~ felony. The peace officer, while attempting to stop a violator of this section, may communicate a request for the assistance of other peace officers from any office, department or agency. Any peace officer within this state having knowledge of such request is authorized to render

such assistance in stopping the violator and may effect an arrest under this section upon probable cause. Violation of this ~~section~~ subsection shall constitute a ~~misdemeanor~~ felony and shall be punishable by not ~~more~~ less than one (1) year nor more than three (3) years imprisonment in ~~the county jail~~ a state correctional institution or by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00) or by both such fine and imprisonment.

B. 1. Any person who causes an accident, while eluding or attempting to elude an officer, resulting in great bodily injury to any person other than himself while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of this section may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in a state correctional institution for not less than one (1) year and not more than five (5) years, and a fine of not more than Five Thousand Dollars (\$5,000.00).

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

C. The terms of imprisonment specified in this section shall not be subject to statutory provisions for suspension, deferral or probation, or state correctional institution earned credits accruing from and after September 1, 1993, except for the achievement earned credits authorized by subsection F of Section 138 of Title 57 of the Oklahoma Statutes. To qualify for such achievement credits, such inmates must be in compliance with the standards for Class level 2 behavior, as defined in subsection C of Section 138 of Title 57 of the Oklahoma Statutes.

SECTION 2. This act shall become effective September 1, 1993.

44-1-5037 SD