

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1383

By: Herbert

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 540A, as last amended by Section 118, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 1999, Section 540A), which relates to eluding a peace officer; increasing penalty; adding criminal penalty for endangerment of another person during certain act; modifying gender; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 540A, as last amended by Section 118, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 1999, Section 540A), is amended to read as follows:

Section 540A. 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~~ the vehicle to a stop and who willfully increases ~~his~~ the speed or extinguishes ~~his~~ the lights of the vehicle 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 as provided in this section. 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~~ Upon conviction under the provisions of this subsection, the violator shall constitute a misdemeanor and shall be punishable be punished by imprisonment in the State Penitentiary for a term of not more than one (1) year imprisonment in the county jail two (2) years, or by a fine of not less than One Hundred Dollars (\$100.00) Five Hundred Dollars (\$500.00) nor more than Two Thousand Dollars (\$2,000.00) Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. A second or subsequent violation of this subsection shall be punishable by imprisonment in the State Penitentiary for a term of not more than one (1) year in the county jail five (5) years, or by a fine of not less than Five Hundred Dollars (\$500.00) One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section in such manner as to endanger any other person shall be deemed guilty of a felony punishable by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years, or by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

C. 1. Any person who causes an accident, while eluding or attempting to elude an officer, resulting in great bodily injury to any other 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 two~~ two

(2) years nor 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.

SECTION 2. This act shall become effective July 1, 2000.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

47-2-2292

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