

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 1029

By: Billy

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 540A, which relates to eluding a peace officer; clarifying and updating language; modifying penalties; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, 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 operator to bring the vehicle to a stop and who willfully increases the speed or extinguishes 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, upon conviction, guilty of a misdemeanor. The peace officer, while attempting to stop a violator of this section, may communicate a request for the assistance of

1 other peace officers from any office, department or agency. Any
2 peace officer within this state having knowledge of such request is
3 authorized to render such assistance in stopping the violator and
4 may effect an arrest under this section upon probable cause.

5 Violation of this subsection shall constitute a misdemeanor and
6 shall be punishable by not ~~more~~ less than ~~one (1) year~~ six (6)
7 months of imprisonment in the county jail, or by a fine of not less
8 than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00)
9 nor more than Two Thousand Dollars (\$2,000.00), or by both such fine
10 and imprisonment. A second or subsequent violation of this
11 subsection shall be punishable by not ~~more~~ less than ~~one (1) year~~
12 six (6) months of imprisonment in the county jail, or by a fine of
13 not less than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars
14 (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by
15 both such fine and imprisonment.

16 B. Any person who violates the provisions of subsection A of
17 this section in such manner as to endanger any other person,
18 including any peace officer attempting to stop the violator, shall,
19 upon conviction, be ~~deemed~~ guilty of a felony punishable by
20 imprisonment in the ~~State Penitentiary~~ custody of the Department of
21 Corrections for a term of not less than one (1) year nor more than
22 five (5) years, or by a fine of not less than ~~One Thousand Dollars~~
23 ~~(\$1,000.00)~~ One Thousand Five Hundred Dollars (\$1,500.00) nor more
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1 than Five Thousand Dollars (\$5,000.00), or by both such fine and
2 imprisonment.

3 C. 1. Any person who causes an accident, while eluding or
4 attempting to elude an officer, resulting in great bodily injury to
5 any other person, including any peace officer attempting to stop the
6 violater, while driving or operating a motor vehicle within this
7 state and who is in violation of the provisions of subsection A of
8 this section may be charged with a violation of the provisions of
9 this subsection. Any person who is convicted of a violation of the
10 provisions of this subsection shall be ~~deemed~~ guilty of a felony
11 punishable by imprisonment in ~~a state correctional institution~~ the
12 custody of the Department of Corrections for not less than one (1)
13 year and not more than five (5) years, and a fine of not more than
14 Five Thousand Dollars (\$5,000.00).

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

19 SECTION 2. This act shall become effective November 1, 2015.
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21 55-1-5032 GRS 12/17/14
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