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February 15, 2024

By: Pugh

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 540A, which relates to eluding a police officer; modifying elements of certain offenses; creating felony offense; updating statutory language and references; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 540A, is amended to read as follows:

Section 540A. A. 1. 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~~ shall, upon conviction, be 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 than one (1) year of imprisonment in
7 the county jail or by a fine ~~of~~ not less than ~~One Hundred Dollars~~
8 ~~(\$100.00)~~ Five Hundred Dollars (\$500.00) nor more than Two Thousand
9 Dollars (\$2,000.00) or by both such fine and imprisonment.

10 2. A person who commits a second or subsequent violation of
11 this subsection shall, upon conviction, be guilty of a felony
12 punishable by imprisonment in the custody of the Department of
13 Corrections for not more than ~~one (1) year in the county jail~~ two
14 (2) years or by a fine ~~of~~ not less than ~~Five Hundred Dollars~~
15 ~~(\$500.00)~~ One Thousand Dollars (\$1,000.00) nor more than Five
16 Thousand Dollars (\$5,000.00) or by both such fine and imprisonment.

17 B. Any person who violates the provisions of subsection A of
18 this section in such manner as to endanger any other person shall be
19 deemed guilty of a felony punishable by imprisonment in the ~~State~~
20 ~~Penitentiary~~ custody of the Department of Corrections for a term of
21 not less than ~~one (1) year~~ three (3) years nor more than five (5)
22 years, or by a fine ~~of~~ not less than One Thousand Dollars
23 (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by
24 both such fine and imprisonment.

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

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

16 SECTION 2. This act shall become effective November 1, 2024.

17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
18 February 15, 2024 - DO PASS
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