

HOUSE No. 1395

By Ms. Garry of Dracut, a petition (accompanied by bill, House, No. 1395) of Colleen M. Garry for legislation to establish a penalty for eluding a pursuing law enforcement officer's motor vehicle. The Judiciary.

The Commonwealth of Massachusetts

PRESENTED BY:

Colleen M. Garry

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to fleeing a pursuing law enforcement officer's motor vehicle.

PETITION OF:

NAME:

Colleen M. Garry

DISTRICT/ADDRESS:

36th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO FLEEING A PURSUING LAW ENFORCEMENT OFFICER'S MOTOR VEHICLE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 268 of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by adding the following section:—
- 3 Section 41. (a) Any person who, while operating a motor vehicle and with the intent to evade, willfully
4 flees or otherwise attempt to elude a pursuing law enforcement officer's motor vehicle, and the law
5 enforcement officer's motor vehicle is exhibiting at least one flashing, rotating, or oscillating blue light as
6 specified in section 7E of chapter 90 of the General Laws, and the person either sees or reasonable should
7 have seen such light; the law enforcement officer's motor vehicle is sounding a siren as may be
8 reasonably necessary; the law enforcement officer's motor vehicle is distinctively marked; and the law
9 enforcement officer's motor vehicle is operated by a law enforcement officer who is wearing a distinctive
10 uniform, shall be punished by imprisonment in a jail or house of correction for not more than two and one
11 half years or by a fine of not more than \$1,000, or by both fine and imprisonment.
- 12 (b) Any person who flees or attempts to elude a pursuing law enforcement officer in violation of
13 paragraph (a) and who drives his vehicle in a willful or wanton disregard for the safety of persons or
14 property, shall be punished by imprisonment in the state prison for not more than five years or
15 imprisonment in a jail or house of correction for not more than two and one half years or by a fine of not
16 more that \$10,000, or by both such fine and imprisonment.
- 17 For purposes of this paragraph, "willful or wanton disregard for the safety of persons or property" shall
18 include, but not be limited to, driving while fleeing or attempting to elude a pursuing law enforcement
19 officer during which time either three or more violations of traffic law or damage to property occurs.
- 20 (c) Any person who flees or attempts to elude a pursuing law enforcement officer in violation of
21 paragraph (a) and who proximately causes death or serious bodily injury to any person, shall by punished
22 by imprisonment in the state prison for not more than ten years or imprisonment in a jail or house of
23 correction for not more than two and one half years or by a fine of not more than \$10,000, or by both such

24 fine and imprisonment. For purposes of this paragraph "serious bodily injury" shall mean a serious
25 impairment of physical condition, including, but not limited to the following: loss of consciousness,
26 concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a
27 wound requiring extensive suturing; and serious disfigurement.