

House Engrossed Senate Bill
aggravated unlawful flight; law enforcement

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1309

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 28-622.02; RELATING TO TRAFFIC LAWS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 3, article 2, Arizona Revised
3 Statutes, is amended by adding section 28-622.02, to read:

4 28-622.02. Aggravated unlawful flight from a pursuing law
5 enforcement vehicle; marked and unmarked
6 vehicles; violation; classification

7 A. A DRIVER OF A MOTOR VEHICLE COMMITS AGGRAVATED UNLAWFUL FLIGHT
8 FROM A PURSUING LAW ENFORCEMENT VEHICLE IF THE DRIVER WILFULLY OPERATES A
9 MOTOR VEHICLE IN A MANNER THAT RECKLESSLY ENDANGERS THE LIFE OF ANOTHER
10 PERSON WHILE ATTEMPTING TO FLEE OR ELUDE A PURSUING OFFICIAL LAW
11 ENFORCEMENT VEHICLE THAT IS EITHER:

12 1. BEING OPERATED IN THE MANNER PRESCRIBED IN SECTION 28-624,
13 SUBSECTION C AND IS APPROPRIATELY MARKED TO SHOW THAT IT IS AN OFFICIAL
14 LAW ENFORCEMENT VEHICLE.

15 2. UNMARKED AND EITHER OF THE FOLLOWING APPLIES:

16 (a) THE DRIVER ADMITS TO KNOWING THAT THE VEHICLE WAS AN OFFICIAL
17 LAW ENFORCEMENT VEHICLE.

18 (b) EVIDENCE SHOWS THAT THE DRIVER KNEW THAT THE VEHICLE WAS AN
19 OFFICIAL LAW ENFORCEMENT VEHICLE.

20 B. AGGRAVATED UNLAWFUL FLIGHT FROM A PURSUING LAW ENFORCEMENT
21 VEHICLE IS A CLASS 4 FELONY, EXCEPT THAT AGGRAVATED UNLAWFUL FLIGHT FROM A
22 PURSUING LAW ENFORCEMENT VEHICLE IS A CLASS 3 FELONY IF ANY OF THE
23 FOLLOWING APPLIES:

24 1. THE OFFENSE RESULTS IN SERIOUS PHYSICAL INJURY, AS DEFINED IN
25 SECTION 13-105, TO ANOTHER.

26 2. AT THE TIME OF THE OFFENSE THE DRIVER WAS TRANSPORTING A MINOR
27 UNDER TWELVE YEARS OF AGE.

28 3. AT THE TIME OF THE OFFENSE THE DRIVER WAS IN VIOLATION OF
29 SECTION 28-1381 OR 28-1382.

30 C. A PERSON WHO IS CONVICTED UNDER SUBSECTION B, PARAGRAPH 3 OF
31 THIS SECTION IS NOT ELIGIBLE FOR PROBATION, PARDON, COMMUTATION OR
32 SUSPENSION OF SENTENCE OR RELEASE ON ANY OTHER BASIS UNTIL THE PERSON HAS
33 SERVED NOT LESS THAN FOUR MONTHS IN PRISON.