

REFERENCE TITLE: aggravated unlawful flight; law enforcement

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

SB 1309

Introduced by
Senator Gowan

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 ENDANGERS THE LIFE OF ANOTHER PERSON WHILE
10 ATTEMPTING TO FLEE OR ELUDE A PURSUING OFFICIAL LAW ENFORCEMENT VEHICLE
11 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 2 FELONY IF EITHER OF THE
23 FOLLOWING APPLIES:

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

26 2. AT THE TIME OF THE VIOLATION THE DRIVER WAS TRANSPORTING A MINOR
27 UNDER FIFTEEN YEARS OF AGE, AND THE DRIVER SHALL BE SENTENCED TO
28 IMPRISONMENT FOR NOT LESS THAN THE PRESUMPTIVE SENTENCE AUTHORIZED
29 PURSUANT TO TITLE 13, CHAPTER 7 AND IS NOT ELIGIBLE FOR SUSPENSION OF
30 SENTENCE, COMMUTATION OR RELEASE ON ANY BASIS UNTIL THE SENTENCE IMPOSED
31 IS SERVED.

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