

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2058

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 LAW
14 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:

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

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

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

12 Amend title to conform

ALEXANDER KOLODIN

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