

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 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 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 OR SHOULD HAVE KNOWN THAT  
19 THE VEHICLE WAS AN 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 ANY 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.

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

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

11 Amend title to conform

ALEXANDER KOLODIN

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