

House Bill 283

By: Representatives Wilkinson of the 41st, Bridges of the 7th, Jones of the 38th, Butler of the 88th, Post 1, Orrock of the 51st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 40-6-395 of the Official Code of Georgia Annotated, relating to motor vehicle drivers fleeing or attempting to elude police officers, so as to change certain provisions relating to punishment for violations; to provide that fleeing or attempting to elude a police officer while driving a motor vehicle under the influence of alcohol, drugs, or other intoxicating substances shall be a felony; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 40-6-395 of the Official Code of Georgia Annotated, relating to motor vehicle drivers fleeing or attempting to elude police officers, is amended by striking paragraph (5) of subsection (b) and inserting in lieu thereof the following:

"(5)(A)(i) Any person violating the provisions of subsection (a) of this Code section who, while fleeing or attempting to elude a pursuing police vehicle or police officer in an attempt to escape arrest for a felony offense other than a violation of this chapter, operates his or her vehicle in excess of 30 miles an hour above the posted speed limit, strikes or collides with another vehicle or a pedestrian, flees in traffic conditions which place the general public at risk of receiving serious injuries, or leaves the state shall be guilty of a felony punishable by a fine of \$5,000.00 and imprisonment for not less than one year nor more than five years.

(ii) Any person violating the provisions of subsection (a) of this Code section while driving a motor vehicle in violation of Code Section 40-6-391 shall be guilty of a felony punishable by a fine of \$5,000.00 and imprisonment for not less than one year nor more than five years.

(B) Following adjudication of guilt or imposition of sentence for a violation of subparagraph (A) of this paragraph, the sentence shall not be suspended, probated, deferred, or withheld, and the charge shall not be reduced to a lesser offense, merged with any other offense, or served concurrently with any other offense."

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- SECTION 2.
- All laws and parts of laws in conflict with this Act are repealed.