

**ADOPTED**

Senators Douglas of the 17th, Staton of the 18th and Williams of the 19th offered the following amendment:

1 *Amend the substitute to HB 396 (LC 34 2317S) by inserting after "cards;" on line 16 the*  
 2 *following:*

3 to amend Code Section 40-6-395 of the Official Code of Georgia Annotated, relating to  
 4 fleeing or attempting to elude a police officer and impersonating a law enforcement officer,  
 5 so as to modify certain conditions when such offense shall be treated as a felony offense;

6 *By replacing "to provide an effective date;" with "to provide for effective dates and*  
 7 *applicability;" on line 27.*

8 *By redesignating Sections 23 through 32 as Sections 24 through 33, respectively.*

9 *By inserting after line 481 the following:*

**SECTION 23.**

10 Code Section 40-6-395 of the Official Code of Georgia Annotated, relating to fleeing or  
 11 attempting to elude a police officer and impersonating a law enforcement officer, is amended  
 12 by revising subparagraph (b)(5)(A) as follows:  
 13

14 *"(5)(A) Any person violating the provisions of subsection (a) of this Code section who,*  
 15 *while fleeing or attempting to elude a pursuing police vehicle or police officer in an*  
 16 *attempt to escape arrest for any offense, other than a violation of this chapter; not*  
 17 *expressly provided for in this paragraph:*

18 *(i) Operates ~~operates~~ his or her vehicle in excess of ~~30~~ 20 miles an hour above the*  
 19 *posted speed limit;*

20 *(ii) Strikes ~~strikes~~ or collides with another vehicle or a pedestrian;*

21 *(iii) Flees ~~flees~~ in traffic conditions which place the general public at risk of*  
 22 *receiving serious injuries;*

23 *(iv) Commits a violation of Code Section 40-6-391; or*

24 *(v) Leaves ~~leaves~~ the state*

25 shall be guilty of a felony punishable by a fine of \$5,000.00 or imprisonment for not  
 26 less than one year nor more than five years or both."

27 *By striking line 637 and inserting the following:*

28 Section 23 of this Act shall become effective upon its approval by the Governor or upon its  
29 becoming law without such approval and shall apply to offenses committed on or after such  
30 date. All other sections of this Act shall become effective on January 1, 2010.