

House Bill 827

By: Representatives Hembree of the 67<sup>th</sup>, Talton of the 145<sup>th</sup>, Purcell of the 159<sup>th</sup>, Hanner of the 148<sup>th</sup>, Neal of the 1<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to serious traffic offenses, so as to modify provisions relating to fleeing or attempting  
3 to elude a pursuing police vehicle or police officer; to increase the penalty for fleeing or  
4 attempting to elude under certain circumstances; to provide for related matters; to provide  
5 for an effective date and applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to  
9 serious traffic offenses, is amended by repealing Code Section 40-6-395, relating to fleeing  
10 or attempting to elude a pursuing police vehicle or police officer, and enacting a new Code  
11 Section 40-6-395 to read as follows:

12 "40-6-395.

13 (a) It shall be unlawful for any driver of a vehicle willfully to fail or refuse to bring his or  
14 her vehicle to a stop or otherwise to flee or attempt to elude a pursuing police vehicle or  
15 police officer when given a visual or an audible signal to bring the vehicle to a stop. The  
16 signal given by the police officer may be by hand, voice, emergency light, or siren. The  
17 officer giving such signal shall be in uniform prominently displaying his or her badge of  
18 office, and his or her vehicle shall be appropriately marked showing it to be an official  
19 police vehicle.

20 (b) Any person violating the provisions of subsection (a) of this Code section shall be  
21 guilty of a felony punishable by a fine of not less than \$1,500.00 nor more than \$5,000.00  
22 or imprisonment for not less than one year nor more than five years or both.

23 (c) For the purpose of imposing a sentence under this Code section, a plea of nolo  
24 contendere shall constitute a conviction.

25 (d) A charge for a violation of this Code section shall not be merged with any other  
26 offense or served concurrently with any other offense.

27 (e) It shall be unlawful for a person:

28 (1) To impersonate a sheriff, deputy sheriff, state trooper, agent of the Georgia Bureau  
29 of Investigation, agent of the Federal Bureau of Investigation, police officer, or any other  
30 authorized law enforcement officer by using a motor vehicle or motorcycle designed,  
31 equipped, or marked so as to resemble a motor vehicle or motorcycle belonging to any  
32 federal, state, or local law enforcement agency; or

33 (2) Otherwise to impersonate any such law enforcement officer in order to direct, stop,  
34 or otherwise control traffic."

35 **SECTION 2.**

36 This Act shall become effective on July 1, 2012, and shall apply to offenses committed on  
37 or after such date.

38 **SECTION 3.**

39 All laws and parts of laws in conflict with this Act are repealed.