

**ADOPTED**

Senators Albers of the 56th and Robertson of the 29th offered the following amendment #3:

1 *Amend the substitute to HB 1161 (LC 63 0158S) by replacing lines 4 through 6 with the*  
2 *following:*  
3 to provide

4 *By replacing lines 40 through 121 with the following:*

5 Said title is further amended in Code Section 40-6-395, relating to fleeing or attempting to  
6 elude police officer and impersonating law enforcement officer, by revising subsections (d)  
7 and (e) and adding a new subsection to read as follows:

8 "(d) Any person convicted of violating the provisions of subsection (a) of this Code section  
9 with respect to a police vehicle or police officer performing official duties on behalf of the  
10 Capitol Police Division, Commercial Vehicle Enforcement Division, or Uniform Division  
11 of the Department of Public Safety shall be sentenced to imprisonment in accordance with  
12 subsections (b) and (c) of this Code section; provided, however, that such sentence shall  
13 be calculated at a rate of 30 days for each mile the person actually traveled while fleeing  
14 or otherwise attempting to elude the police vehicle or police officer; provided, further, that  
15 the term of imprisonment shall be within the minimum and maximum sentences set forth  
16 in subsections (b) and (c) of this Code section. The trier of fact shall determine beyond a  
17 reasonable doubt the distance the person actually traveled while fleeing or otherwise  
18 attempting to elude a pursuing police vehicle or police officer after such officer notified the  
19 police dispatcher that such person was fleeing or otherwise attempting to elude the police  
20 officer. The determination of the distance traveled shall not be an essential element of such  
21 offense. If the distance traveled cannot be determined, such distance shall be presumed to  
22 be zero miles.

23 (e) Following adjudication of guilt or imposition of sentence for a violation of  
24 subparagraph (b)(1)(D) or subsection (c) of this Code section, the sentence shall not be  
25 suspended, probated, deferred, or withheld, and the charge shall not be reduced to a lesser  
26 offense, merged with any other offense, or served concurrently with any other offense.

27 ~~(e)~~(f) 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, motorcycle, or blue light  
31 designed, equipped, or marked so as to resemble a motor vehicle, motorcycle, or blue  
32 light belonging to any 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."