

House Engrossed

aggravated unlawful flight; law enforcement.

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HOUSE BILL 2134

AN ACT

AMENDING SECTION 28-622.01, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-622.02; RELATING TO TRAFFIC LAWS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-622.01, Arizona Revised Statutes, is amended
3 to read:

4 28-622.01. Unlawful flight from pursuing law enforcement
5 vehicle; marked and unmarked vehicles;
6 violation; classification

7 A. A driver of a motor vehicle ~~who~~ COMMITS UNLAWFUL FLIGHT FROM A
8 PURSUING LAW ENFORCEMENT VEHICLE IF THE PERSON wilfully flees or attempts
9 to elude a pursuing official law enforcement vehicle ~~is guilty of a class~~
10 ~~5 felony if the law enforcement vehicle~~ THAT is either:

11 1. Being operated in the manner described in section 28-624,
12 subsection C and is appropriately marked to show that it is an official
13 law enforcement vehicle.

14 2. Unmarked and either of the following applies:

15 (a) The driver admits to knowing that the vehicle was an official
16 law enforcement vehicle.

17 (b) Evidence shows that the driver knew that the vehicle was an
18 official law enforcement vehicle.

19 B. UNLAWFUL FLIGHT FROM A PURSUING LAW ENFORCEMENT VEHICLE IS A
20 CLASS 6 FELONY.

21 Sec. 2. Title 28, chapter 3, article 2, Arizona Revised Statutes,
22 is amended by adding section 28-622.02, to read:

23 28-622.02. Aggravated unlawful flight from a pursuing law
24 enforcement vehicle; marked and unmarked
25 vehicles; violation; classification

26 A. A DRIVER OF A MOTOR VEHICLE COMMITS AGGRAVATED UNLAWFUL FLIGHT
27 FROM A PURSUING LAW ENFORCEMENT VEHICLE IF THE PERSON COMMITS UNLAWFUL
28 FLIGHT FROM A PURSUING LAW ENFORCEMENT VEHICLE PURSUANT TO SECTION
29 28-622.01 AND AT LEAST THREE OF THE FOLLOWING APPLIES AT THE TIME OF THE
30 OFFENSE:

31 1. THE PERSON DRIVES AT LEAST THIRTY-FIVE MILES PER HOUR OVER THE
32 POSTED SPEED LIMIT.

33 2. THE PERSON LEAVES THE ROADWAY OR FORCES ANOTHER VEHICLE TO LEAVE
34 THE ROADWAY.

35 3. THE PERSON COLLIDES WITH ANOTHER VEHICLE.

36 4. THE PERSON WAS TRANSPORTING A MINOR UNDER 15 YEARS OF AGE.

37 5. THE PERSON WAS IN VIOLATION OF SECTION 28-644.

38 6. THE PERSON WAS IN VIOLATION OF SECTION 28-693.

39 7. THE PERSON WAS IN VIOLATION OF SECTION 28-694.

40 8. THE PERSON WAS IN VIOLATION OF SECTION 28-1382.

41 B. AGGRAVATED UNLAWFUL FLIGHT FROM A PURSUING LAW ENFORCEMENT
42 VEHICLE IS A CLASS 4 FELONY, EXCEPT THAT AGGRAVATED UNLAWFUL FLIGHT FROM A
43 PURSUING LAW ENFORCEMENT VEHICLE IS A CLASS 2 FELONY IF ANY OF THE
44 FOLLOWING APPLIES:

1 1. THE OFFENSE RESULTS IN SERIOUS PHYSICAL INJURY AS DEFINED IN
2 SECTION 13-105 TO ANOTHER.

3 2. AT THE TIME OF THE OFFENSE THE PERSON WAS TRANSPORTING A MINOR
4 IN VIOLATION OF SECTION 13-3212, SUBSECTION A, PARAGRAPH 7, 9 OR 10.

5 3. AT THE TIME OF THE OFFENSE THE PERSON WAS IN VIOLATION OF
6 SECTION 13-3407, SUBSECTION A, PARAGRAPH 2 OR 7.

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