

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2024 REGULAR SESSION
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Amend printed copy of **HB 5/SCS 1**

From page 71, line 13, through page 73, line 9, by deleting Sections 47 through 49 in their entirety and inserting in place thereof:

"➔Section 47. KRS 520.095 is amended to read as follows:

(1) A person is guilty of fleeing or evading police in the first degree:

(a) When, while operating a motor vehicle with intent to elude or flee, the person knowingly or wantonly disobeys a direction to stop his or her motor vehicle, given by a person recognized to be a police officer, and at least one (1) of the following conditions exists:

1. The person is fleeing immediately after committing an act of domestic violence as defined in KRS 403.720;
2. The person is driving under the influence of alcohol or any other substance or combination of substances in violation of KRS 189A.010;
3. The person is driving while his or her driver's license is suspended for violating KRS 189A.010; or
4. By fleeing or eluding, the person is the cause, or creates substantial risk, of serious physical injury or death to any person or property; or

(b) When, as a pedestrian, and with intent to elude or flee, the person knowingly or wantonly disobeys an order to stop, given by a person recognized to be a peace

Amendment No. SFA 2

Rep. Sen. Whitney Westerfield

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRD Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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officer, and at least one (1) of the following conditions exists:

1. The person is fleeing immediately after committing an act of domestic violence as defined in KRS 403.720; or
 2. By fleeing or eluding, the person is the cause of, or creates a substantial risk of, serious physical injury or death to any person or property.
- (2) Fleeing or evading police in the first degree is a Class D felony, **unless in the commission of the offense the person operates a motor vehicle:**
- (a) In excess of thirty (30) miles per hour above the speed limit;**
 - (b) In the wrong direction on a limited access highway;**
 - (c) That causes an accident resulting in death or serious physical injury as defined in Section 44 of this Act;**
 - (d) While the alcohol concentration in the operator's blood or breath is 0.15 or more as measured by a test or tests of a sample of the operator's blood or breath taken within two (2) hours of cessation of operation of the motor vehicle; or**
 - (e) That is transporting a passenger under the age of twelve (12) years old; in which case it is a Class C felony.**

➔Section 48. KRS 520.100 is amended to read as follows:

- (1) A person is guilty of fleeing or evading police in the second degree when:
 - (a) As a pedestrian, and with intent to elude or flee[,] the person knowingly or wantonly disobeys a direction to stop[,] given by a person recognized to be a peace officer who has an articulable reasonable suspicion that a crime has been committed by the person fleeing, and in fleeing or eluding the person is the cause of, or creates a substantial risk of, physical injury to any person; or
 - (b) While operating a motor vehicle with intent to elude or flee, the person knowingly or wantonly disobeys a recognized direction to stop his **or her** vehicle, given by a

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person recognized to be a peace officer.

- (2) No offense is committed under this section when the conduct involved constitutes a failure to comply with a directive of a traffic control officer.
- (3) Fleeing or evading police in the second degree is a Class A misdemeanor, **unless in the commission of the offense the person operates a motor vehicle:**
- (a) In excess of thirty (30) miles per hour above the speed limit;**
 - (b) In the wrong direction on a limited access highway;**
 - (c) That causes an accident resulting in death or serious physical injury as defined in Section 44 of this Act;**
 - (d) While the alcohol concentration in the operator's blood or breath is 0.15 or more as measured by a test or tests of a sample of the operator's blood or breath taken within two (2) hours of cessation of operation of the motor vehicle; or**
 - (e) That is transporting a passenger under the age of twelve (12) years old; in which case it is a Class D felony."**; and

By renumbering subsequent sections accordingly.