

HOUSE No. 1395

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to fleeing a pursuing law enforcement officer's motor vehicle..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 268 of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by adding the following section:—Section 41. (a) Any person who,
3 while operating a motor vehicle and with the intent to evade, willfully flees or otherwise attempt
4 to elude a pursuing law enforcement officer’s motor vehicle, and the law enforcement officer’s
5 motor vehicle is exhibiting at least one flashing, rotating, or oscillating blue light as specified in
6 section 7E of chapter 90 of the General Laws, and the person either sees or reasonable should
7 have seen such light; the law enforcement officer’s motor vehicle is sounding a siren as may be
8 reasonably necessary; the law enforcement officer’s motor vehicle is distinctively marked; and
9 the law enforcement officer’s motor vehicle is operated by a law enforcement officer who is
10 wearing a distinctive uniform, shall be punished by imprisonment in a jail or house of correction
11 for not more than two and one half years or by a fine of not more than \$1,000, or by both fine
12 and imprisonment.(b) Any person who flees or attempts to elude a pursuing law enforcement
13 officer in violation of paragraph (a) and who drives his vehicle in a willful or wanton disregard
14 for the safety of persons or property, shall be punished by imprisonment in the state prison for

15 not more than five years or imprisonment in a jail or house of correction for not more than two
16 and one half years or by a fine of not more than \$10,000, or by both such fine and
17 imprisonment. For purposes of this paragraph, “willful or wanton disregard for the safety of
18 persons or property” shall include, but not be limited to, driving while fleeing or attempting to
19 elude a pursuing law enforcement officer during which time either three or more violations of
20 traffic law or damage to property occurs. (c) Any person who flees or attempts to elude a
21 pursuing law enforcement officer in violation of paragraph (a) and who proximately causes death
22 or serious bodily injury to any person, shall be punished by imprisonment in the state prison for
23 not more than ten years or imprisonment in a jail or house of correction for not more than two
24 and one half years or by a fine of not more than \$10,000, or by both such fine and imprisonment.
25 For purposes of this paragraph “serious bodily injury” shall mean a serious impairment of
26 physical condition, including, but not limited to the following: loss of consciousness, concussion;
27 bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound
28 requiring extensive suturing; and serious disfigurement.