

**HOUSE . . . . . No. 1310**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Colleen M. Garry*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

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

PETITION OF:

NAME:

*Colleen M. Garry*

DISTRICT/ADDRESS:

*36th Middlesex*

**HOUSE . . . . . No. 1310**

By Ms. Garry of Dracut, a petition (accompanied by bill, House, No. 1310) of Colleen M. Garry for legislation to establish a penalty for eluding a pursuing law enforcement officer's motor vehicle. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1395 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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