

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 925
Judiciary I Committee Substitute Adopted 5/6/93

Short Title: Attempting to Elude.

(Public)

Sponsors:

Referred to:

April 20, 1993

A BILL TO BE ENTITLED

AN ACT TO LIMIT POLICE PURSUITS BY ESTABLISHING A PRIMA FACIE
RULE OF EVIDENCE CONCERNING THE OPERATOR OF A VEHICLE
SPEEDING IN EXCESS OF TWENTY-FIVE MILES AN HOUR OVER THE
SPEED LIMIT TO ELUDE ARREST AND TO INCREASE THE PENALTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is amended by adding a new
section to read:

"§ 20-141.5. Speeding to elude arrest.

(a) It shall be unlawful for a person to operate a vehicle on a street, highway, or public vehicular area in excess of 25 miles per hour over the speed limit while fleeing or attempting to elude a law enforcement officer who is in the lawful performance of duties with the blue light flashing. A person violating this subsection shall be guilty of a Class J felony.

(b) It shall be unlawful for a person to knowingly authorize or permit a vehicle owned by that person, or under that person's control, to be operated on a street, highway, or public vehicular area in excess of 25 miles per hour over the speed limit while fleeing or attempting to elude a law enforcement officer who is in the lawful performance of duties with the blue light flashing. A person violating this subsection shall be guilty of a misdemeanor.

(c) Whenever evidence is presented in any court or administrative hearing of the fact that a vehicle was used in violation of subsection (a) or (b) of this section, it shall be prima facie evidence that the vehicle was operated by the person in whose name the

1 vehicle was registered, according to Division of Motor Vehicles' records, at the time of
2 the violation."

3 Sec. 2. G.S. 20-141(j) reads as rewritten:

4 "(j) Any person convicted of violating this section by operating a vehicle on a
5 street or highway in excess of 55 miles per hour and at least 15 miles per hour over the
6 legal limit while fleeing or attempting to elude arrest or apprehension by a law-
7 enforcement officer with authority to enforce the motor vehicle laws and who has the
8 blue light flashing is guilty of a misdemeanor and shall be punished by a fine of not less
9 than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000) or
10 imprisonment for not more than two years, or both, in the discretion of the court."

11 Sec. 3. G.S. 20-17 is amended by adding the following new subdivision at
12 the end to read:

13 "(12) Speeding to elude arrest under G.S. 20-141.5."

14 Sec. 4. This act becomes effective December 1, 1993, and applies to offenses
15 committed on or after that date. Prosecutions and license revocations based on offenses
16 occurring before the effective date of this act are not abated or affected by this act, and
17 the statutes that would be applicable but for this act remain applicable to those
18 prosecutions or license revocations.