

Ala. Code 1975, § 13A-10-52(b)
Eluding or Attempting to Elude Law Enforcement
Officer

The defendant is charged with eluding or attempting to elude a law enforcement officer.

A person commits the crime of eluding or attempting to elude a law enforcement officer if he/she, while operating a motor vehicle on a street, road, alley, or highway in this state, intentionally flees or attempts to elude a law enforcement officer after having received a signal from the officer to bring the vehicle to a stop and

[READ AS APPROPRIATE]

if either of the following occur:

- a. The flight or attempt to elude causes serious physical injury or death to any other person; or
- b. During the flight or attempt to elude the person exceeds 20 miles per hour over the legal maximum speed limit;

(OR)

if either of the following occur:

- a. The flight or attempt to elude causes the offender to strike or collide with another vehicle or pedestrian; or
- b. The flight or attempt to elude causes physical injury to any other person; or
- c. The flight or attempt to elude results in the offender crossing the lines of this state into a neighboring state.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

(1) The defendant was operating a motor vehicle on a street, road, alley, or highway in this state;

(2) The defendant fled or attempted to elude a law enforcement officer after having received a signal from the officer to bring the vehicle to a stop;

(3) **[READ AS APPROPRIATE]**

- a. The flight or attempt to elude caused serious physical injury or death to any other person; **(OR)**
- b. During the flight or attempt to elude the defendant exceeded 20 miles per hour over the legal maximum speed limit;

(OR)

- a. The flight or attempt to elude caused the defendant to strike or collide with another vehicle or pedestrian; **(OR)**
- b. The flight or attempt to elude caused physical injury to any other person; **(OR)**
- c. The flight or attempt to elude resulted in the defendant crossing the lines of this state into a neighboring state;

(AND)

(4) The Defendant did so intentionally.

Law Enforcement Officer shall mean any person who has all of the following qualifications:

- (1) He/she has the power to arrest pursuant to the laws of this state;
- (2) He/she is certified by the Alabama Peace Officers and Standards Training Commission;
- (3) He/she is acting in his/her official capacity;
- (4) He/she is not on strike or involved in a work stoppage; and
- (5) He/she is not on duty as a private security officer. [13A-10-51]

[Read as appropriate]: *Serious physical injury* is physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of any bodily organ, or a penetrating gun shot wound inflicted by a firearm.

[13A-1-2(14)]

[Read as appropriate]: *Physical injury* is impairment of physical condition or substantial pain. [13A-1-2(12)]

[Read as appropriate]: A *Firearm* is a weapon from which a shot is discharged by gunpowder. [13A-8-1(5)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense, when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

[Read as appropriate]: It is an affirmative defense to prosecution that the arrest was unlawful or that the person operating the motor vehicle was aware of the signal from the law enforcement officer to bring the vehicle to a stop and the person stopped his/her vehicle within a reasonable time and at a reasonable location based on the facts and circumstances of the stop. [13A-10-53]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of eluding or attempting to elude a law enforcement officer, then you shall find the defendant guilty of eluding or attempting to elude a law enforcement officer.

If you find that the State has failed to prove any one or more of the elements of eluding or attempting to elude a law enforcement officer, then you cannot find the defendant guilty of eluding or attempting to elude a law enforcement officer.

[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]

Use Notes

A person charged under this article may not be charged with the crime of resisting arrest under Section 13A-10-41, based on the same facts on which a charge under this article is based. (13A-10-54)

If lesser included offense instructions are given, then the offenses should be listed on the verdict form.

[Approved 09-27-24]