

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 923

To amend title 23, United States Code, to provide for a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 14 (legislative day, JUNE 5), 1995

Mr. DORGAN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend title 23, United States Code, to provide for a national program concerning motor vehicle pursuits by law enforcement officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Police Pur-  
5 suit Policy Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) accidents occurring as a result of high speed  
9 motor vehicle pursuits of fleeing motor vehicles by

1 law enforcement officers are becoming increasingly  
2 common across the United States;

3 (2) the extent of the problem of those pursuits  
4 is evident despite significant underreporting;

5 (3) because the problem of those pursuits is ex-  
6 tensive, it is essential for all law enforcement agen-  
7 cies to develop and implement policies and training  
8 procedures for dealing with high speed motor vehicle  
9 pursuits;

10 (4) a high speed motor vehicle pursuit in a  
11 community by a law enforcement officer should be  
12 treated in the same manner as the firing of a police  
13 firearm because a high speed motor vehicle pursuit  
14 involves the use of a deadly force with the potential  
15 for causing harm or death to pedestrians and motor-  
16 ists;

17 (5) the Federal Government should provide an  
18 incentive for States to enact laws to prevent high  
19 speed motor vehicle pursuits;

20 (6) to demonstrate leadership in response to the  
21 national problem of high speed motor vehicle pur-  
22 suits, all Federal law enforcement agencies should—

23 (A) develop policies and procedures govern-  
24 ing motor vehicle pursuits; and

1 (B) provide assistance to State and local  
2 law enforcement agencies in instituting such  
3 policies and procedures and in conducting train-  
4 ing; and

5 (7) the policies referred to in paragraph (6)  
6 should balance reasonably the need—

7 (A) to apprehend promptly dangerous  
8 criminals; and

9 (B) to address the threat to the safety of  
10 the general public posed by high speed pursuits.

11 **SEC. 3. MOTOR VEHICLE PURSUIT REQUIREMENTS FOR**  
12 **STATE HIGHWAY SAFETY PROGRAMS.**

13 Section 402(b)(1) of title 23, United States Code, is  
14 amended—

15 (1) in each of subparagraphs (A) through (D),  
16 by striking the period at the end and inserting a  
17 semicolon;

18 (2) in subparagraph (E), by striking the period  
19 at the end and inserting “; and”; and

20 (3) by adding at the end the following new sub-  
21 paragraph:

22 “(F) on and after January 1, 1997, have in ef-  
23 fect throughout the State—

24 “(i) a law that—

1           “(I) makes it unlawful for the driver  
2 of a motor vehicle to increase speed or to  
3 take any other deliberately evasive action if  
4 a law enforcement officer clearly signals  
5 the driver to stop the motor vehicle; and

6           “(II) provides that any driver who vio-  
7 lates that law shall be subject to a mini-  
8 mum penalty of—

9                   “(aa) imprisonment for a period  
10 of not less 3 months; and

11                   “(bb) seizure of the motor vehicle  
12 at issue; and

13           “(ii) a requirement that each State agency  
14 and each agency of a political subdivision of the  
15 State that employs law enforcement officers  
16 who, in the course of employment, may conduct  
17 a motor vehicle pursuit shall—

18                   “(I) have in effect a policy that meets  
19 requirements that the Secretary shall es-  
20 tablish concerning the manner and cir-  
21 cumstances in which a motor vehicle pur-  
22 suit may be conducted by law enforcement  
23 officers;

1           “(II) train all law enforcement offi-  
2           cers of the agency in accordance with the  
3           policy referred to in subclause (I); and

4           “(III) for each fiscal year, transmit to  
5           the chief executive officer of the State a re-  
6           port containing information on each motor  
7           vehicle pursuit conducted by a law enforce-  
8           ment officer of the agency.”.

9   **SEC. 4. REPORTING REQUIREMENT.**

10       (a) IN GENERAL.—Not later than 180 days after the  
11       date of enactment of this Act, the Attorney General of  
12       the United States, the Secretary of Agriculture, the Sec-  
13       retary of the Interior, the Secretary of the Treasury, the  
14       Chief of the Capitol Police, and the Administrator of Gen-  
15       eral Services shall each transmit to the Congress a report  
16       containing—

17           (1) the policy of the department or agency  
18           headed by that individual concerning motor vehicle  
19           pursuits by law enforcement officers of that depart-  
20           ment or agency; and

21           (2) a description of the procedures that the de-  
22           partment or agency uses to train law enforcement  
23           officers in the implementation of the policy referred  
24           to in paragraph (1).

1       (b) REQUIREMENT.—Each policy referred to in sub-  
2 section (a)(1) shall meet the requirements established by  
3 the Secretary of Transportation pursuant to section  
4 402(b)(1)(F)(ii)(I) of title 23, United States Code, con-  
5 cerning the manner and circumstances in which a motor  
6 vehicle pursuit may be conducted.

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