

105TH CONGRESS  
1ST SESSION

# S. 1236

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

SEPTEMBER 29, 1997

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 1997”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) in 1996—

1 (A) 377 deaths occurred in the United  
2 States as a result of high-speed motor vehicle  
3 pursuits; and

4 (B) 103 of those deaths were police offi-  
5 cers or innocent bystanders who died as a result  
6 of high-speed motor vehicle pursuits;

7 (2) in 1995, of the high-speed motor vehicle  
8 pursuits conducted during that year, approxi-  
9 mately—

10 (A) 40 percent resulted in accidents;

11 (B) 20 percent resulted in injury; and

12 (C) 1 percent resulted in death;

13 (3) a recent study found that approximately 60  
14 percent of high-speed motor vehicle pursuits resulted  
15 from pursuits that were not related to felony of-  
16 fenses;

17 (4) an insufficient amount of statistical data  
18 and documentation concerning high-speed motor ve-  
19 hicle pursuits is available;

20 (5) a recent study found that although only 31  
21 percent of law enforcement agencies maintain con-  
22 sistent records on motor vehicle pursuits made by  
23 law enforcement officers, 71 percent of those agen-  
24 cies were able to provide data on the number of  
25 high-speed motor vehicle pursuits conducted;

1 (6) a recent study found that—

2 (A) 73 percent of the law enforcement offi-  
3 cers polled had been involved in a high-speed  
4 motor vehicle pursuit during the 12-month pe-  
5 riod preceding the date of the polling; and

6 (B) 40 percent of those officers reported  
7 that an accident resulted from a high-speed  
8 motor vehicle pursuit in which the officer par-  
9 ticipated;

10 (7) a recent study found that most law enforce-  
11 ment recruits who receive training to become law en-  
12 forcement officers receive only an average of 14  
13 hours of training for driving skills, and a majority  
14 of that time is used to provide training in the me-  
15 chanics of driving instead of providing practice for  
16 safe and effective high-speed motor vehicle pursuit  
17 procedures; and

18 (8) a recent study found that an increased em-  
19 phasis on the high-speed motor vehicle pursuit poli-  
20 cies, procedures, and training decreases the occur-  
21 rence of high-speed motor vehicle pursuits, as the re-  
22 cruits who receive training that includes special  
23 training for effective high-speed motor vehicle pur-  
24 suits were less likely to engage in those pursuits.

1 **SEC. 3. MOTOR VEHICLE PURSUIT REQUIREMENTS FOR**  
2 **STATE HIGHWAY SAFETY PROGRAMS.**

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

5 (1) in each of subparagraphs (A) through (D),  
6 by striking the period at the end and inserting a  
7 semicolon;

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

10 (3) by adding at the end the following new sub-  
11 paragraph:

12 “(F) on and after January 1, 1999, have in ef-  
13 fect throughout the State—

14 “(i) a law that—

15 “(I) makes it unlawful for the driver  
16 of a motor vehicle to increase speed or to  
17 take any other deliberately evasive action if  
18 a law enforcement officer clearly signals  
19 the driver to stop the motor vehicle; and

20 “(II) provides that any driver who vio-  
21 lates that law shall be subject to a mini-  
22 mum penalty of—

23 “(aa) imprisonment for a period  
24 of not less than 3 months; and

25 “(bb) seizure of the motor vehicle  
26 at issue; and

1           “(ii) a requirement that each State agency  
2           and each agency of a political subdivision of the  
3           State that employs law enforcement officers  
4           who, in the course of employment, may conduct  
5           a motor vehicle pursuit shall—

6                   “(I) have in effect a policy that meets  
7                   requirements that the Secretary shall es-  
8                   tablish concerning the manner and cir-  
9                   cumstances in which a motor vehicle pur-  
10                  suit may be conducted by law enforcement  
11                  officers;

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

15                  “(III) for each fiscal year, transmit to  
16                  the chief executive officer of the State a re-  
17                  port containing information on each motor  
18                  vehicle pursuit conducted by a law enforce-  
19                  ment officer of the agency.”.

20 **SEC. 4. REPORTING REQUIREMENT.**

21           (a) IN GENERAL.—Not later than 180 days after the  
22           date of enactment of this Act, the Attorney General of  
23           the United States, the Secretary of Agriculture, the Sec-  
24           retary of the Interior, the Secretary of the Treasury, the  
25           Chief of the Capitol Police, and the Administrator of Gen-

1 eral Services shall each transmit to Congress a report con-  
2 taining—

3 (1) the policy of the department or agency  
4 headed by that individual concerning motor vehicle  
5 pursuits by law enforcement officers of that depart-  
6 ment or agency; and

7 (2) a description of the procedures that the de-  
8 partment or agency uses to train law enforcement  
9 officers in the implementation of the policy referred  
10 to in paragraph (1).

11 (b) REQUIREMENT.—Each policy referred to in sub-  
12 section (a)(1) shall meet the requirements established by  
13 the Secretary of Transportation pursuant to section  
14 402(b)(1)(F)(ii)(I) of title 23, United States Code, con-  
15 cerning the manner and circumstances in which a motor  
16 vehicle pursuit may be conducted.

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