

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1373

Introduced by

Representatives Mickelson, Carlisle, DeKrey

Senator B. Stenehjem

1 A BILL for an Act to create and enact a new section to chapter 12.1-08 of the North Dakota
2 Century Code, relating to the penalty for fleeing a peace officer; and to amend and reenact
3 section 12.1-23-06 of the North Dakota Century Code, relating to the unauthorized use of a
4 motor vehicle.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 12.1-08 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Fleeing a peace officer.** Any person, other than the driver of a motor vehicle under
9 section 39-10-71, who willfully fails or refuses to stop or who otherwise flees or attempts to
10 elude, in any manner, a pursuing peace officer, when given a visual or audible signal to stop, is
11 guilty of a class B misdemeanor for a first or second offense and a class A misdemeanor for a
12 subsequent offense. A signal to stop complies with this section if the signal is perceptible to the
13 person and:

- 14 1. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren,
15 and the vehicle is appropriately marked showing it to be an official law enforcement
16 vehicle; or
17 2. If not given from a vehicle, the signal is given by hand, voice, emergency light, or
18 siren, and the officer is in uniform and prominently displays the officer's badge of
19 office.

20 **SECTION 2. AMENDMENT.** Section 12.1-23-06 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **12.1-23-06. Unauthorized use of a vehicle.**

- 23 1. A person is guilty of an offense if, knowing that ~~he~~ that person does not have the
24 consent of the owner, ~~he~~ that person takes, operates, is a passenger in, or

- 1 exercises control over an automobile, train, aircraft, motorcycle, motorboat, or
- 2 other motor-propelled vehicle of another.
- 3 2. It is a defense to a prosecution under this section that the actor reasonably
- 4 believed that the owner would have consented had ~~he~~ the owner known of the
- 5 conduct on which the prosecution was based.
- 6 3. The offense is a class C felony if the vehicle is an aircraft or if the value of the use
- 7 of the vehicle and the cost of retrieval and restoration exceeds five hundred dollars.
- 8 Otherwise the offense is a class A misdemeanor.