

Sixty-sixth  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1296**

Introduced by

Representatives Mock, Heinert, K. Koppelman, Satrom

Senators Dwyer, Kreun, D. Larson

1 A BILL for an Act to amend and reenact section 39-10-71 of the North Dakota Century Code,  
2 relating to fleeing or attempting to elude a peace officer; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 39-10-71 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **39-10-71. Fleeing or attempting to elude a peace officer - Penalty.**

7 1. ~~Any~~A driver of a motor vehicle who willfully fails or refuses to bring the vehicle to a  
8 stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police  
9 vehicle or peace officer, when given a visual or audible signal to bring the vehicle to a  
10 stop, is guilty of a class:

11 a. Class A misdemeanor for a first offense and a class C felony for a subsequent  
12 offense within three years. An individual who violates this section while fleeing  
13 after or in the commission of a felony is guilty of a class:

14 b. Class C felony: if the driver violates this section while willfully fleeing during or  
15 after the commission of a felony; or

16 c. Class C felony if, at any time during the flight or pursuit, the driver willfully  
17 operates the vehicle in a manner constituting an inherent risk of death or serious  
18 bodily injury to a third person; or

19 ~~d. Class B felony, if at any time during the flight or pursuit, the driver operates the~~  
20 ~~vehicle in a manner constituting an inherent risk of death or serious bodily injury~~  
21 ~~to an individual under the age of twelve or to a peace officer.~~

22 2. A signal complies with this section if the signal is perceptible to the driver and:

- 1           a.    If given from a vehicle, the signal is given by hand, voice, emergency light, or
- 2                siren, and the stopping vehicle is appropriately marked showing it to be an official
- 3                police vehicle; or
- 4           b.    If not given from a vehicle, the signal is given by hand, voice, emergency light, or
- 5                siren, and the officer is in uniform or prominently displays the officer's badge of
- 6                office.