

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED 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.

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

20 a. If given from a vehicle, the signal is given by hand, voice, emergency light, or
21 siren, and the stopping vehicle is appropriately marked showing it to be an official
22 police vehicle; or

- 1 b. If not given from a vehicle, the signal is given by hand, voice, emergency light, or
- 2 siren, and the officer is in uniform or prominently displays the officer's badge of
- 3 office.