

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 fleeing during or after the
15 commission of a felony;

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