Fifty-sixth
Legislative Assembly   **ENGROSSED SENATE BILL NO. 2212**
of North Dakota

Introduced by

    Senators Watne, Schobinger

    Representatives Klein, Koppelman

1   A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota

2   Century Code, relating to injuring another while fleeing a peace officer; and to amend and

3   reenact section 39-10-71 of the North Dakota Century Code, relating to the penalty for fleeing a

4   peace officer.

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

6   **SECTION 1.** A new section to chapter 12.1-17 of the North Dakota Century Code is

7   created and enacted as follows:

8   **Assault or homicide while fleeing peace officer.** A person is guilty of a class A

9   felony if that person negligently causes the death of another or a class B felony if that person

10 negligently causes serious bodily injury to another while in violation of section 39-10-71.

11 **SECTION 2. AMENDMENT.** Section 39-10-71 of the North Dakota Century Code is

12 amended and reenacted as follows:

13 **39-10-71. Fleeing or attempting to elude a peace officer - Penalty.** Any driver of a

14 motor vehicle who willfully fails or refuses to bring the vehicle to a stop, or who otherwise flees

15 or attempts to elude, in any manner, a pursuing police vehicle or peace officer, when given a

16 visual or audible signal to bring the vehicle to a stop, is guilty of a ~~class A misdemeanor for a~~

17 ~~first or second offense and a~~ class C felony ~~for a subsequent offense~~. A signal complies with

18 this section if the signal is perceptible to the driver and:

19   1.   If given from a vehicle, the signal is given by hand, voice, emergency light, or

20   siren, and the stopping vehicle is appropriately marked showing it to be an official

21   police vehicle; or

22   2.   If not given from a vehicle, the signal is given by hand, voice, emergency light, or

23   siren, and the officer is in uniform and prominently displays the officer's badge of

24   office.