

**FIRST ENGROSSMENT
with House Amendments**

ENGROSSED SENATE BILL NO. 2212

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 within three years. A
18 signal complies with 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.