

HOUSE BILL NO. 1409

Introduced by

Representative Dosch

1 A BILL for an Act to amend and reenact section 39-10-71 of the North Dakota Century Code,
2 relating to fleeing 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, for~~ a pursuing
9 police vehicle or peace officer, when given a visual or audible signal to bring the
10 vehicle to a 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 if after the attempt to stop the vehicle is initiated,
13 the driver of the fleeing vehicle does not operate the motor vehicle recklessly
14 by disregarding traffic control devices, abruptly changing direction of travel, or
15 using speed in a manner to attempt to elude a pursuing vehicle. ~~As~~

16 b. Class C felony if an individual who violates this section while fleeing after or in
17 the commission of a felony is guilty of a class C felony.

18 c. Class C felony if:

19 (1) After the attempt to stop the vehicle is initiated, the driver of the fleeing
20 vehicle disregards traffic control devices, abruptly changes direction of
21 travel, or uses speed in a manner to attempt to elude a pursuing
22 vehicle; or

23 (2) The driver has been previously convicted under this subsection.

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

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