

HOUSE BILL NO. 1262

Introduced by

Representatives Mock, DeKrey, Kretschmar, S. Kelsh

Senators Lyson, Nelson

1 A BILL for an Act to amend and reenact sections 12.1-08-11, 39-10-71, and 39-24.1-13 of the
2 North Dakota Century Code, relating to fleeing a law enforcement officer.

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

4 **SECTION 1. AMENDMENT.** Section 12.1-08-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-08-11. Refusing to halt.**

7 Any person, other than the driver of a motor vehicle under section 39-10-71, who willfully
8 fails or refuses to stop or who otherwise flees or attempts to elude, in any manner, a pursuing
9 peace officer, when given a visual or audible signal to stop, is guilty of a class B misdemeanor
10 for a first or second offense and a class A misdemeanor for a subsequent offense. A signal to
11 stop complies with this section if the signal is perceptible to the person and:

- 12 1. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren,
13 and the vehicle is appropriately marked showing it to be an official law enforcement
14 vehicle; or
15 2. If not given from a vehicle, the signal is given by hand, voice, emergency light, or
16 siren, and the officer is in uniform ~~and~~or prominently displays the officer's badge of
17 office.

18 **SECTION 2. AMENDMENT.** Section 39-10-71 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **39-10-71. Fleeing or attempting to elude a peace officer - Penalty.**

- 21 1. Any driver of a motor vehicle who willfully fails or refuses to bring the vehicle to a stop,
22 or who otherwise flees or attempts to elude, in any manner, a pursuing police vehicle
23 or peace officer, when given a visual or audible signal to bring the vehicle to a stop, is
24 guilty of a class A misdemeanor for a first offense and a class C felony for a

- 1 subsequent offense within three years. An individual who violates this section while
2 fleeing after or in the commission of a felony is guilty of a class C felony.
- 3 2. A signal complies with this section if the signal is perceptible to the driver and:
- 4 a. If given from a vehicle, the signal is given by hand, voice, emergency light, or
5 siren, and the stopping vehicle is appropriately marked showing it to be an official
6 police vehicle; or
- 7 b. If not given from a vehicle, the signal is given by hand, voice, emergency light, or
8 siren, and the officer is in uniform and/or prominently displays the officer's badge
9 of office.

10 **SECTION 3. AMENDMENT.** Section 39-24.1-13 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **39-24.1-13. Fleeing or attempting to elude a peace officer.**

- 13 1. Any driver of a snowmobile who willfully fails or refuses to bring the snowmobile to a
14 stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police
15 vehicle or peace officer, when given a visual or audible signal to bring the snowmobile
16 to a stop, is guilty of a class B misdemeanor for a first or second offense and a class A
17 misdemeanor for a subsequent offense. A signal complies with this section if the signal
18 is perceptible to the driver and:
- 19 a. 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 b. 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/or prominently displays the officer's badge
24 of office.
- 25 2. Any sentence imposed under this section must include a minimum fine of at least five
26 hundred dollars.