

HOUSE BILL NO.

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 police 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, from~~ 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. A~~

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 2. Class C felony if:

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

22 b. Previously convicted under subsection 1 or 2, and engages law enforcement
23 in another pursuit.

24 3. 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.