

(P. 431) 3/3/94 Do Pass
(P. 703) 3-16-94 Senate - Judicious
(P. 825) 3-24-94 Senate - Do Pass

HOUSE FILE 2153
BY HOUSER

TRANSPORTATION

Passed House, Date ^(p. 647) 3-16-94 Passed Senate, Date ^(p. 866) 3/28/94
Vote: Ayes 97 Nays 0 Vote: Ayes 47 Nays 0
Approved April 13, 1994.

A BILL FOR

1 An Act to prohibit eluding a law enforcement vehicle while
2 participating in the commission of a felony and providing a
3 penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2153

1 Section 1. Section 321.279, Code 1993, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The driver of a motor vehicle
4 commits an aggravated misdemeanor if, while participating in a
5 public offense, as defined in section 702.13, that is a
6 felony, the driver willfully fails to bring the motor vehicle
7 to a stop or otherwise eludes or attempts to elude a marked
8 official law enforcement vehicle that is driven by a uniformed
9 peace officer after being given a visual or audible signal as
10 provided in this section.

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EXPLANATION

12 This bill establishes the new offense of eluding law
13 enforcement while participating in a felony. A person commits
14 the crime of eluding a law enforcement officer if the driver
15 willfully fails to bring a motor vehicle to a stop or
16 otherwise eludes a marked official law enforcement vehicle
17 driven by a uniformed peace officer after being signaled by
18 flashing red lights or a siren by the peace officer. The term
19 "participating in a public offense" is defined under section
20 702.13 to include part or the entire period commencing with
21 the first act done and terminating when the person has been
22 arrested or has withdrawn and eluded pursuers. A person
23 committing the new offense may be punished with a fine of at
24 least \$500, up to \$5,000 or imprisonment of up to two years in
25 prison or both fine and imprisonment.

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HOUSE FILE 2153

H-5134

Amend House File 2153 as follows:

2 1. Page 1, by inserting after line 10 the
3 following:

4 "Sec. ____ . Section 707.6A, subsections 1, 2, and
5 3, Code 1993, are amended to read as follows:

6 1. A person commits a class "C" felony when the
7 person unintentionally causes the death of another by
8 either any of the following means:

9 a. Operating a motor vehicle while under the
10 influence of alcohol or other drug or a combination of
11 such substances or while having an alcohol
12 concentration, as defined in section 321J.1,
13 subsection 1, of .10 or more. Upon a plea or verdict
14 of guilty of a violation of this paragraph, the court
15 shall order the state department of transportation to
16 revoke the defendant's motor vehicle license or
17 nonresident operating privileges for a period of six
18 years. The defendant shall surrender to the court any
19 Iowa license or permit and the court shall forward it
20 to the department with a copy of the revocation order.

21 b. Driving a motor vehicle in a reckless manner
22 with willful or wanton disregard for the safety of
23 persons or property, in violation of section 321.277.

24 c. Eluding or attempting to elude a pursuing law
25 enforcement vehicle, in violation of section 321.279,
26 if the death of the other person directly or
27 indirectly results from the violation.

28 2. A person commits a class "D" felony when the
29 person unintentionally causes the death of another by
30 ~~operating a motor vehicle in any of the following~~
31 ~~manner:~~

32 ~~---a---Drag while drag racing, in violation of section~~
33 ~~321.278.~~

34 ~~b.--Eluding or attempting to elude a pursuing law~~
35 ~~enforcement vehicle, in violation of section 321.279.~~

36 3. A person commits an aggravated misdemeanor when
37 the person unintentionally causes a serious injury, as
38 defined in section 321J.1, subsection 8, by either any
39 of the means described in subsection 1 of this
40 section."

41 2. By numbering and renumbering as necessary.

By OLLIE of Clinton
BELL of Jasper

H-5134 FILED MARCH 7, 1994

Adopted
3-16-94 (P. 646)

SENATE AMENDMENT TO HOUSE FILE 2153

H-5748

1 Amend House File 2153, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Title page, by striking lines 1 through 3 and
4 inserting the following: "An Act relating to eluding
5 a law enforcement vehicle by prohibiting eluding while
6 participating in the commission of a felony, making
7 changes in the provisions applicable to unintentional
8 death or serious injury caused as a result of eluding,
9 and providing penalties."

H-5748 FILED MARCH 28, 1994

RECEIVED FROM THE SENATE

House Concurred 4/4/93 (p. 1061)

HOUSE FILE 2153
FISCAL NOTE

The estimate for House File 2153 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2153 makes it an aggravated misdemeanor to fail to stop one's car or otherwise attempt to elude a uniformed peace officer in a marked police car after being given a signal to stop.

Assumptions:

It is estimated that 1 more person will be on probation because of this change.

Fiscal Impact:

This change is not expected to have a significant fiscal impact.

Correctional Impact:

There is no impact to the correctional system.

Sources:

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Judicial Department
Parole Board
Department of Public Safety

(LSB 3579hh, MDF)

FILED MARCH 9, 1994

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE FILE 2153

BY HOUSER

(As Amended and Passed by the House March 16, 1994)

Passed House, (P. 1061) Date 4/4/94 Passed Senate, (P. 866) Date 3/28/94
Vote: Ayes 89 Nays 0 Vote: Ayes 47 Nays 0
Approved April 13, 1994

A BILL FOR

1 An Act to prohibit eluding a law enforcement vehicle while
2 participating in the commission of a felony and providing a
3 penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

HOUSE FILE 2153

S-5290

1 Amend House File 2153, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Title page, by striking lines 1 through 3 and
4 inserting the following: "An Act relating to eluding
5 a law enforcement vehicle by prohibiting eluding while
6 participating in the commission of a felony, making
7 changes in the provisions applicable to unintentional
8 death or serious injury caused as a result of eluding,
9 and providing penalties."

By RANDAL J. GIANNETTO

S-5290 FILED MARCH 24, 1994

adopted 3/28/94 (P. 866)

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1 Section 1. Section 321.279, Code 1993, is amended by
2 adding the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. The driver of a motor vehicle
4 commits an aggravated misdemeanor if, while participating in a
5 public offense, as defined in section 702.13, that is a
6 felony, the driver willfully fails to bring the motor vehicle
7 to a stop or otherwise eludes or attempts to elude a marked
8 official law enforcement vehicle that is driven by a uniformed
9 peace officer after being given a visual or audible signal as
10 provided in this section.

11 Sec. 2. Section 707.6A, subsections 1, 2, and 3, Code
12 1993, are amended to read as follows:

13 1. A person commits a class "C" felony when the person
14 unintentionally causes the death of another by either any of
15 the following means:

16 a. Operating a motor vehicle while under the influence of
17 alcohol or other drug or a combination of such substances or
18 while having an alcohol concentration, as defined in section
19 321J.1, subsection 1, of .10 or more. Upon a plea or verdict
20 of guilty of a violation of this paragraph, the court shall
21 order the state department of transportation to revoke the
22 defendant's motor vehicle license or nonresident operating
23 privileges for a period of six years. The defendant shall
24 surrender to the court any Iowa license or permit and the
25 court shall forward it to the department with a copy of the
26 revocation order.

27 b. Driving a motor vehicle in a reckless manner with
28 willful or wanton disregard for the safety of persons or
29 property, in violation of section 321.277.

30 c. Eluding or attempting to elude a pursuing law
31 enforcement vehicle, in violation of section 321.279, if the
32 death of the other person directly or indirectly results from
33 the violation.

34 2. A person commits a class "D" felony when the person
35 unintentionally causes the death of another by operating a

1 motor-vehicle-in-any-of-the-following-manners:

2 a--Drag while drag racing, in violation of section
3 321.278.

4 b--Eluding or attempting to elude a pursuing law
5 enforcement vehicle, in violation of section 321.279.

6 3. A person commits an aggravated misdemeanor when the
7 person unintentionally causes a serious injury, as defined in
8 section 321J.1, subsection 8, by either any of the means
9 described in subsection 1 of this section.

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HOUSE FILE 2153

AN ACT

RELATING TO ELUDING A LAW ENFORCEMENT VEHICLE BY PROHIBITING
ELUDING WHILE PARTICIPATING IN THE COMMISSION OF A
FELONY, MAKING CHANGES IN THE PROVISIONS APPLICABLE TO
UNINTENTIONAL DEATH OR SERIOUS INJURY CAUSED AS A RESULT OF
ELUDING, AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.279, Code 1993, is amended by
adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The driver of a motor vehicle
commits an aggravated misdemeanor if, while participating in a

public offense, as defined in section 702.13, that is a
felony, the driver willfully fails to bring the motor vehicle
to a stop or otherwise eludes or attempts to elude a marked
official law enforcement vehicle that is driven by a uniformed
peace officer after being given a visual or audible signal as
provided in this section.

Sec. 2. Section 707.6A, subsections 1, 2, and 3, Code
1993, are amended to read as follows:

1. A person commits a class "C" felony when the person
unintentionally causes the death of another by either any of
the following means:

a. Operating a motor vehicle while under the influence of
alcohol or other drug or a combination of such substances or
while having an alcohol concentration, as defined in section
321J.1, subsection 1, of .10 or more. Upon a plea or verdict
of guilty of a violation of this paragraph, the court shall
order the state department of transportation to revoke the
defendant's motor vehicle license or nonresident operating
privileges for a period of six years. The defendant shall
surrender to the court any Iowa license or permit and the
court shall forward it to the department with a copy of the
revocation order.

b. Driving a motor vehicle in a reckless manner with
willful or wanton disregard for the safety of persons or
property, in violation of section 321.277.

c. Eluding or attempting to elude a pursuing law
enforcement vehicle, in violation of section 321.279, if the
death of the other person directly or indirectly results from
the violation.

2. A person commits a class "D" felony when the person
unintentionally causes the death of another by ~~operating a
motor vehicle in any of the following manners:~~

~~a. --~~ Drag while drag racing, in violation of section
321.278.

~~b.--Eluding-or-attempting-to-elude-a-pursuing-law
enforcement-vehicle,-in-violation-of-section-321-279-~~

3. A person commits an aggravated misdemeanor when the person unintentionally causes a serious injury, as defined in section 321J.1, subsection 8, by either any of the means described in subsection 1 of this section.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2153, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 13, 1994

TERRY E. BRANSTAD
Governor