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JUDICIARY

HOUSE FILE

117

BY LARSON

WITHDRAWN

2/22/99  
(p.397)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to increasing the penalty for eluding or  
2 attempting to elude an official law enforcement vehicle.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.279, Code 1999, is amended to read  
2 as follows:

3 321.279 ELUDING OR ATTEMPTING TO ELUDE PURSUING LAW  
4 ENFORCEMENT VEHICLE.

5 1. The driver of a motor vehicle commits ~~a-serious~~ an  
6 aggravated misdemeanor if the driver willfully fails to bring  
7 the motor vehicle to a stop or otherwise eludes or attempts to  
8 elude a marked official law enforcement vehicle driven by a  
9 uniformed peace officer after being given a visual or audible  
10 signal to stop and in doing so exceeds the speed limit by  
11 twenty-five miles per hour or more. The signal given by the  
12 peace officer shall be by flashing red light or siren. For  
13 purposes of this section, "peace officer" means those officers  
14 designated under section 801.4, subsection 11, paragraphs "a,"  
15 "b," "c," "g," and "h".

16 2. The driver of a motor vehicle commits ~~an-aggravated~~  
17 ~~misdemeanor~~ a class "D" felony if ~~7-white-participating-in-a~~  
18 ~~public-offense7-as-defined-in-section-702.137-that-is-a~~  
19 ~~felony7~~, the driver willfully fails to bring the motor vehicle  
20 to a stop or otherwise eludes or attempts to elude a marked  
21 official law enforcement vehicle that is driven by a uniformed  
22 peace officer after being given a visual or audible signal as  
23 provided in this section and if any of the following occurs:

24 a. The driver is participating in a public offense, as  
25 defined in section 702.13, that is a felony.

26 b. The offense results in bodily injury to a person other  
27 than the driver.

28 c. The offense results in property damage.

29 d. The driver has not been previously convicted of three  
30 or more moving traffic violations.

31 EXPLANATION

32 This bill changes the penalty for the crime of eluding or  
33 attempting to elude a pursuing law enforcement vehicle. If a  
34 driver of a motor vehicle is eluding a law enforcement vehicle  
35 at speeds in excess of 25 miles per hour, the bill changes the

1 criminal penalty for eluding from a serious misdemeanor to an  
2 aggravated misdemeanor. A driver of a motor vehicle commits a  
3 class "D" felony if the driver eludes or attempts to elude a  
4 pursuing law enforcement vehicle and any of the following  
5 occurs: the driver is participating in the commission of a  
6 felony, a person other than the driver incurs bodily injury,  
7 property damage occurs, or the driver has three or more prior  
8 moving traffic violation convictions. The bill also changes  
9 the criminal penalty for eluding from an aggravated  
10 misdemeanor to a class "D" felony.

11 | A class "D" felony is punishable by confinement for no more  
12 than five years and a fine of at least \$500 but not more than  
13 \$7,500. An aggravated misdemeanor is punishable by  
14 confinement for not more than two years and a fine of at least  
15 \$500 but not more than \$5,000. A serious misdemeanor is  
16 punishable by confinement for not more than one year or a fine  
17 of at least \$250 but not more than \$1,500 or both fine and  
18 imprisonment.

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