

JAN 13 1999

JUDICIARY

HOUSE FILE  
BY THOMSON

44

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

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

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to eluding or attempting to elude an official law  
2 enforcement vehicle and providing a penalty.

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

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HF 44

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

16 2. The driver of a motor vehicle commits **an-aggravated**  
17 **misdemeanor a class "D" felony** if, while participating in a  
18 public offense, as defined in section 702.13, that is a  
19 felony, 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.

24 EXPLANATION

25 This bill changes the penalty for the crime of eluding or  
26 attempting to elude a pursuing law enforcement vehicle. If a  
27 driver of a motor vehicle is eluding a law enforcement vehicle  
28 at speeds in excess of 25 miles per hour, the bill changes the  
29 criminal penalty for eluding from a serious misdemeanor to a  
30 class "D" felony. If a driver of a motor vehicle eludes or  
31 attempts to elude a pursuing law enforcement vehicle while  
32 participating in the commission of a crime that is a felony,  
33 the bill also changes the criminal penalty for eluding from an  
34 aggravated misdemeanor to a class "D" felony.

35 A class "D" felony is punishable by confinement for no more

1 than five years and a fine of at least \$500 but not more than  
2 \$7,500. An aggravated misdemeanor is punishable by  
3 confinement for not more than two years and a fine of at least  
4 \$500 but not more than \$5,000. A serious misdemeanor is  
5 punishable by confinement for not more than one year or a fine  
6 of at least \$250 but not more than \$1,500 or both fine and  
7 imprisonment.

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