

House File 753 - Introduced

HOUSE FILE _____
BY MAY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing criminal penalties for a vessel operator who
2 willfully eludes or attempts to elude an authorized marked law
3 enforcement vessel.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 2437HH 82
6 av/es/88

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1 1 Section 1. NEW SECTION. 462A.34B ELUDING OR ATTEMPTING
1 2 TO ELUDE PURSUING LAW ENFORCEMENT VESSEL == PENALTY.
1 3 1. The operator of a vessel commits a serious misdemeanor
1 4 if the operator willfully fails to bring the vessel to a stop
1 5 or otherwise eludes or attempts to elude an authorized marked
1 6 law enforcement vessel operated by a uniformed peace officer
1 7 or by a water patrol officer of the department of natural
1 8 resources, after being given a visual and audible signal to
1 9 stop. The signals given by the officer shall be by displaying
1 10 a blue light or flashing blue and red lights and by sounding a
1 11 horn or siren.
1 12 2. The operator of a vessel commits an aggravated
1 13 misdemeanor if the operator willfully fails to bring the
1 14 vessel to a stop or otherwise eludes or attempts to elude an
1 15 authorized marked law enforcement vessel operated by a
1 16 uniformed peace officer or by a water patrol officer of the
1 17 department of natural resources, after being given a visual
1 18 and audible signal to stop as provided in this section and in
1 19 doing so exceeds a reasonable speed.
1 20 3. The operator of a vessel commits a class "D" felony if
1 21 the operator willfully fails to bring the vessel to a stop or
1 22 otherwise eludes or attempts to elude an authorized marked law
1 23 enforcement vessel operated by a uniformed peace officer or by
1 24 a water patrol officer of the department of natural resources,
1 25 after being given a visual and audible signal to stop as
1 26 provided in this section, and in doing so exceeds a reasonable
1 27 speed, and if any of the following occurs:
1 28 a. The operator is participating in a public offense, as
1 29 defined in section 702.13, that is a felony.
1 30 b. The operator is in violation of section 462A.14 or
1 31 124.401.
1 32 c. The offense results in bodily injury to a person other
1 33 than the operator.

EXPLANATION

1 35 This bill makes the act of eluding or attempting to elude a
2 1 pursuing law enforcement vessel by the operator of another
2 2 vessel a crime.
2 3 The bill provides that the operator of a vessel commits a
2 4 serious misdemeanor if the operator willfully fails to bring
2 5 the vessel to a stop or otherwise eludes or attempts to elude
2 6 an authorized marked law enforcement vessel operated by a
2 7 uniformed peace officer or by a water patrol officer of the
2 8 department of natural resources after being given a visual and
2 9 audible signal to stop. The signals required to be given by
2 10 the officer are displaying a blue light or flashing blue and
2 11 red lights and sounding a horn or siren. A serious
2 12 misdemeanor is punishable by confinement for no more than one
2 13 year and a fine of at least \$315 but not more than \$1,875.
2 14 The bill provides that the operator of a vessel commits an
2 15 aggravated misdemeanor in such a situation if in doing so the
2 16 operator exceeds a reasonable speed. An aggravated
2 17 misdemeanor is punishable by confinement for no more than two
2 18 years and a fine of at least \$625 but not more than \$6,250.
2 19 The bill provides that the operator of a vessel commits a

2 20 class "D" felony in such a situation if in doing so the
2 21 operator exceeds a reasonable speed and any of the following
2 22 occurs: the operator is participating in a public offense, as
2 23 such participation is defined in Code section 702.13, that is
2 24 a felony; the operator is operating a motorboat or sailboat
2 25 while intoxicated in violation of Code section 462A.14 or is
2 26 committing prohibited acts involving controlled substances in
2 27 violation of Code section 124.401; or the operator's violation
2 28 of the section results in bodily injury to a person other than
2 29 the operator. A class "D" felony is punishable by confinement
2 30 for no more than five years and a fine of at least \$750 but
2 31 not more than \$7,500.
2 32 LSB 2437HH 82
2 33 av:nh/es/88