

Senate Study Bill 3035 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to eluding or attempting to elude a pursuing
2 law enforcement vehicle and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.279, Code 2020, is amended to read
2 as follows:

3 **321.279 Eluding or attempting to elude pursuing law**
4 **enforcement vehicle.**

5 1. a. The driver of a motor vehicle commits a serious
6 misdemeanor if the driver willfully fails to bring the motor
7 vehicle to a stop or otherwise eludes or attempts to elude a
8 marked official law enforcement vehicle driven by a uniformed
9 peace officer after being given a visual and audible signal
10 to stop. The signal given by the peace officer shall be by
11 flashing red light, or by flashing red and blue lights, and
12 siren. For purposes of [this section](#), "peace officer" means
13 those officers designated under [section 801.4, subsection 11,](#)
14 paragraphs "a", "b", "c", "f", "g", and "h".

15 b. The driver of a motor vehicle who commits a second or
16 subsequent violation under this subsection is, upon conviction,
17 guilty of an aggravated misdemeanor.

18 2. a. The driver of a motor vehicle commits an aggravated
19 misdemeanor if the driver willfully fails to bring the motor
20 vehicle to a stop or otherwise eludes or attempts to elude a
21 marked official law enforcement vehicle that is driven by a
22 uniformed peace officer after being given a visual and audible
23 signal as provided in [this section](#) and in doing so exceeds the
24 speed limit by twenty-five miles per hour or more.

25 b. The driver of a motor vehicle who commits a violation
26 under this section and who has previously committed a violation
27 under this section or subsection 3 is, upon conviction, guilty
28 of a class "D" felony.

29 3. a. The driver of a motor vehicle commits a class "D"
30 felony if the driver willfully fails to bring the motor vehicle
31 to a stop or otherwise eludes or attempts to elude a marked
32 official law enforcement vehicle that is driven by a uniformed
33 peace officer after being given a visual and audible signal as
34 provided in [this section](#), and in doing so exceeds the speed
35 limit by twenty-five miles per hour or more, and if any of the

1 following occurs:

2 ~~a.~~ (1) The driver is participating in a public offense, as
3 defined in [section 702.13](#), that is a felony.

4 ~~b.~~ (2) The driver is in violation of [section 321J.2](#) or
5 [124.401](#).

6 (3) The driver is in violation of section 124.401.

7 ~~c.~~ (4) The offense results in bodily injury to a person
8 other than the driver.

9 b. The driver of a motor vehicle who commits a second or
10 subsequent violation under this subsection is, upon conviction,
11 guilty of a class "C" felony.

12 Sec. 2. Section 907.3, subsection 2, paragraph a,
13 subparagraph (2), Code 2020, is amended by adding the following
14 new subparagraph division:

15 NEW SUBPARAGRAPH DIVISION. (f) The offense is a violation
16 of section 321.279, subsection 3, paragraph "a", subparagraph
17 (2).

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill relates to the criminal offense of eluding or
22 attempting to elude a pursuing law enforcement vehicle.

23 Under current law, a driver of a motor vehicle who commits
24 a violation of Code section 321.279(1) by willfully failing
25 to bring a motor vehicle to a stop or otherwise eluding or
26 attempting to elude a marked official law enforcement vehicle,
27 is, upon conviction, guilty of a serious misdemeanor. A driver
28 of a motor vehicle who commits a violation of Code section
29 321.279(2) by willfully failing to bring a motor vehicle to
30 a stop or otherwise eluding or attempting to elude a marked
31 official law enforcement vehicle and in doing so exceeds the
32 speed limit by 25 miles per hour or more, is, upon conviction,
33 guilty of an aggravated misdemeanor. A driver of a motor
34 vehicle who commits a violation of Code section 321.279(3) is,
35 upon conviction, guilty of a class "D" felony. A driver of a

1 motor vehicle violates Code section 321.279(3) by willfully
2 failing to bring a motor vehicle to a stop or otherwise eluding
3 or attempting to elude a marked official law enforcement
4 vehicle and in doing so exceeds the speed limit by 25 miles
5 per hour or more, and any of the following occur: the driver
6 participates in a public offense, as defined in Code section
7 702.13, that is a felony; the driver violates Code section
8 321J.2 (operating while under the influence) or Code section
9 124.401 (controlled substance violations); or the offense
10 results in bodily injury to a person other than the driver.

11 The bill provides enhanced penalties for all violations of
12 Code section 321.279. Under the bill, a driver of a motor
13 vehicle who commits a second or subsequent violation of Code
14 section 321.279(1) is, upon conviction, guilty of an aggravated
15 misdemeanor. A driver of a motor vehicle who commits a
16 violation of Code section 321.279(2) who has previously
17 committed a violation of Code section 321.279(2) or (3) is,
18 upon conviction, guilty of a class "D" felony. A driver of a
19 motor vehicle who commits a second or subsequent violation of
20 Code section 321.279(3) is, upon conviction, guilty of a class
21 "C" felony.

22 The bill prohibits the court from ordering a deferred
23 sentence for the driver of a motor vehicle convicted of eluding
24 or attempting to elude a pursuing law enforcement vehicle while
25 exceeding the speed limit by 25 miles per hour or more while in
26 violation of Code section 321J.2.