

House Study Bill 83 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON THOMPSON)

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, subsection 1, paragraph b, Code
2 2023, is amended to read as follows:

3 b. The driver of a motor vehicle who commits a ~~second~~
4 ~~or subsequent~~ violation under this subsection and who has
5 previously committed any violation under this section is, upon
6 conviction, guilty of an aggravated misdemeanor.

7 Sec. 2. Section 321.279, subsection 2, Code 2023, is amended
8 to read as follows:

9 2. a. The driver of a motor vehicle commits an ~~aggravated~~
10 ~~misdemeanor~~ a class "D" felony if the driver willfully fails
11 to bring the motor vehicle to a stop or otherwise eludes or
12 attempts to elude a marked or unmarked official law enforcement
13 vehicle that is driven by a peace officer after being given a
14 visual and audible signal as provided in this section and in
15 doing so exceeds the speed limit by twenty-five miles per hour
16 or more.

17 b. The driver of a motor vehicle who commits a violation
18 under this subsection and who has previously committed a any
19 violation under this ~~subsection or subsection 3~~ section is,
20 upon conviction, guilty of a class "~~D~~" "C" felony.

21 Sec. 3. Section 321.279, subsection 3, Code 2023, is amended
22 by adding the following new paragraph:

23 NEW PARAGRAPH. *ob.* The driver of a motor vehicle who
24 commits a violation under this subsection and who has
25 previously committed a violation under subsection 1 or 2 is,
26 upon conviction, guilty of a class "C" felony.

27 Sec. 4. Section 321.279, subsection 3, paragraph b, Code
28 2023, is amended to read as follows:

29 b. The driver of a motor vehicle who commits a second or
30 subsequent violation under this subsection is, upon conviction,
31 guilty of a class "C" "B" felony.

32 EXPLANATION

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

35 This bill relates to eluding or attempting to elude a

1 pursuing law enforcement vehicle (eluding).

2 Current law generally provides that a driver of a motor
3 vehicle who commits a second or subsequent eluding violation
4 is subject to an enhanced penalty if the second or subsequent
5 violation is found under the same Code subsection as the prior
6 violation.

7 The bill amends current law to provide that a person who
8 commits a second or subsequent eluding violation is subject to
9 an enhanced penalty regardless of the Code subsection under
10 which the person was previously convicted.

11 The bill increases the penalty for eluding when a driver
12 exceeds the speed limit by 25 miles per hour or more from an
13 aggravated misdemeanor to a class "D" felony. The penalty for
14 a second or subsequent violation is increased from a class "D"
15 felony to a class "C" felony. The bill also increases the
16 penalty for eluding and exceeding the speed limit by 25 miles
17 per hour or more where the driver is participating in a public
18 offense that is a felony, the driver is operating while under
19 the influence of alcohol or a drug, the driver is in violation
20 of Code section 124.401 (manufacture, delivery, or possession
21 of a counterfeit substance, simulated controlled substance,
22 or imitation controlled substance), or the offense results in
23 bodily injury to a person other than the driver, and who has
24 previously been convicted of the same offense, from a class "C"
25 felony to a class "B" felony. If the person was previously
26 convicted of a violation under another Code subsection, the
27 subsequent violation is a class "C" felony. A class "D" felony
28 is punishable by confinement for no more than five years and a
29 fine of at least \$1,025 but not more than \$10,245. A class "C"
30 felony is punishable by confinement for no more than 10 years
31 and a fine of at least \$1,370 but not more than \$13,660. A
32 class "B" felony is punishable by confinement for no more than
33 25 years.