

Senate File 230 - Introduced

SENATE FILE 230
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1068)

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 striking the subsection.

23 Sec. 4. Section 321J.2, subsection 3, paragraph b,
24 subparagraph (2), subparagraph division (f), Code 2023, is
25 amended to read as follows:

26 (f) If the offense was committed while also in violation of
27 section 321.279, subsection 3, ~~paragraph "a", subparagraph (2)~~
28 2.

29 Sec. 5. Section 907.3, subsection 1, paragraph a,
30 subparagraph (6), subparagraph division (f), Code 2023, is
31 amended to read as follows:

32 (f) If the offense was committed while also in violation of
33 section 321.279, subsection 3, ~~paragraph "a", subparagraph (2)~~
34 2.

35 Sec. 6. Section 907.3, subsection 2, paragraph a,

1 subparagraph (2), subparagraph division (f), Code 2023, is
2 amended to read as follows:

3 (f) The offense ~~is a~~ was committed while also in violation
4 of section 321.279, subsection 3, paragraph "a", subparagraph
5 ~~(2)~~ 2.

6 EXPLANATION

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

9 This bill relates to eluding or attempting to elude a
10 pursuing law enforcement vehicle (eluding).

11 Current law generally provides that a driver of a motor
12 vehicle who commits a second or subsequent eluding violation
13 is subject to an enhanced penalty if the second or subsequent
14 violation is found under the same Code subsection as the prior
15 violation. The bill amends current law to provide that a
16 person who commits a second or subsequent eluding violation
17 is subject to an enhanced penalty regardless of the Code
18 subsection under which the person was previously convicted.

19 The bill increases the penalty for eluding when a driver
20 exceeds the speed limit by 25 miles per hour or more (Code
21 section 321.279(2)) from an aggravated misdemeanor to a class
22 "D" felony. The penalty for a second or subsequent violation
23 is increased from a class "D" felony to a class "C" felony. A
24 class "D" felony is punishable by confinement for no more than
25 five years and a fine of at least \$1,025 but not more than
26 \$10,245. A class "C" felony is punishable by confinement for
27 no more than 10 years and a fine of at least \$1,370 but not more
28 than \$13,660.

29 Because the bill makes the penalties for a violation of
30 Code section 321.279(2) identical to Code section 321.279(3)
31 (eluding and exceeding the speed limit by 25 miles per hour
32 or more while participating in a felony, operating while
33 intoxicated, violating Code section 124.401 (manufacture,
34 delivery, or possession of a counterfeit substance, simulated
35 controlled substance, or imitation controlled substance), or

1 causing bodily injury to a person other than the driver), the
2 bill strikes Code section 321.279(3) and makes corresponding
3 changes.