

House File 2139 - Introduced

HOUSE FILE 2139
BY COLLINS

A BILL FOR

- 1 An Act related to eluding, including aggravated eluding and fresh
- 2 pursuit, and providing penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.279, Code 2026, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. The driver of a motor vehicle commits
4 aggravated eluding if the driver violates subsection 1 and, while
5 being pursued by a peace officer within the state, knowingly
6 crosses the state border into another state without yielding to
7 the pursuing peace officer. A driver violating this subsection
8 is, upon conviction, guilty of a class "D" felony.

9 Sec. 2. NEW SECTION. **804.7C Interstate eluding.**

10 1. A peace officer of this state who is in fresh pursuit of
11 a driver of a motor vehicle believed to be committing, or having
12 committed, eluding or aggravated eluding under section 321.279
13 may continue the pursuit of the driver into another state and may
14 arrest the driver in that state, subject to the laws of the state
15 in which the arrest occurs.

16 2. For purposes of this section, fresh pursuit does not
17 require immediate or continuous visual contact but requires
18 pursuit without unreasonable delay.

19 3. An arrest under this section shall be reported promptly
20 to the appropriate authorities of the state in which the arrest
21 occurs, and the driver arrested shall be subject to extradition
22 under chapter 820.

23 **EXPLANATION**

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

26 This bill relates to eluding, including aggravated eluding and
27 fresh pursuit.

28 The bill provides that the driver of a motor vehicle commits
29 aggravated eluding if the driver, while being pursued by a peace
30 officer within the state, knowingly crosses the state border into
31 another state without yielding to the pursuing peace officer.
32 Aggravated eluding is a class "D" felony. A class "D" felony is
33 punishable by confinement for no more than five years and a fine
34 of at least \$1,025 but not more than \$10,245.

35 The bill provides that a peace officer of this state who

1 is in fresh pursuit of a driver of a motor vehicle believed
2 to be committing, or having committed, eluding or aggravated
3 eluding may continue the pursuit of the driver into another state
4 and may arrest the driver in that state, subject to the laws
5 of the state in which the arrest occurs. Fresh pursuit does
6 not require immediate or continuous visual contact but requires
7 pursuit without unreasonable delay. An arrest made in another
8 state shall be reported promptly to the appropriate authorities
9 of the state in which the arrest occurs, and the driver arrested
10 shall be subject to extradition under Code chapter 820.

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