

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING FLEEING FROM OR ELUDING A
5 PEACE OFFICER; CLASSIFYING MISDEMEANOR AND FELONY CONVICTIONS; PROVIDING PENALTIES;
6 REORGANIZING PROVISIONS TO CONFORM TO THE PATTERN IN TITLE 61, CHAPTER 8; AND
7 AMENDING SECTION 61-8-316, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **NEW SECTION. Section 1. Fleeing from or eluding peace officer.**

12 (1) Except as provided in subsections (2) and (3), a person convicted of or pleading guilty or no
13 contest to an offense under 61-8-316 is guilty of a misdemeanor and shall be imprisoned for a term not to
14 exceed 1 year or fined an amount not to exceed \$2,000, or both.

15 (2) A person convicted of the offense of aggravated fleeing from or eluding a peace officer under
16 61-8-316 is guilty of a felony and shall be imprisoned for a term not to exceed 5 years or fined an amount not to
17 exceed \$5,000, or both.

18 (3) A person convicted of an offense of fleeing from or eluding a peace officer during which the
19 person causes serious bodily injury to or the death of any other person is guilty of a felony and shall be
20 imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$10,000, or both.

21
22 **Section 2.** Section 61-8-316, MCA, is amended to read:

23 **"61-8-316. Fleeing from or eluding peace officer.** (1) A person operating a motor vehicle commits
24 the offense of fleeing from or eluding a peace officer if a uniformed peace officer operating a police vehicle in
25 the lawful performance of the peace officer's duty gives the person a visual or audible signal by hand, voice,
26 emergency light, or siren directing the person to stop the motor vehicle and the person knowingly fails to obey
27 the signal by refusing to bring the motor vehicle to a stop, increasing the speed of the motor vehicle, continuing
28 at a speed that is 10 or more miles an hour above the applicable speed limit, extinguishing the motor vehicle's

1 lights, or otherwise fleeing from, eluding, or attempting to flee from or elude the peace officer.

2 (2) ~~— (a) Except as provided in subsection (2)(b), a person convicted of or pleading guilty or nolo~~
3 ~~contendere to an offense under subsection (1) shall be imprisoned for a term not to exceed 1 year or fined an~~
4 ~~amount not to exceed \$2,000, or both.~~

5 (b) ~~— A person convicted of an offense of fleeing from or eluding a peace officer during which the~~
6 ~~person causes serious bodily injury to or the death of any other person shall be imprisoned for a term not to~~
7 ~~exceed 10 years or fined an amount not to exceed \$10,000, or both.~~

8 (2) A person commits the offense of aggravated fleeing from or eluding a peace officer if:

9 (a) the person has previously been convicted of fleeing from or eluding a peace officer under this
10 section; or

11 (b) in the course of fleeing from or eluding a peace officer, the person:

12 (i) exhibits reckless driving behavior as provided in 61-8-301, including intentionally steering the
13 motor vehicle toward any other person;

14 (ii) causes property damage to the property of any other person in an amount exceeding \$5,000;

15 or

16 (iii) leaves the state.

17 (3) A person who is convicted of or pleads guilty or no contest to a violation of this section is
18 subject to the penalties provided in [section 1]."

19
20 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
21 integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

22 - END -