

HOUSE BILL NO. 503

INTRODUCED BY D. BAUM, J. ISALY, S. KELLY, P. STRAND, J. SECKINGER, M. CUFFE, C. SPRUNGER,
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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING FLEEING FROM OR ELUDING A
PEACE OFFICER; CLASSIFYING MISDEMEANOR AND FELONY CONVICTIONS; PROVIDING PENALTIES;
REORGANIZING PROVISIONS TO CONFORM TO THE PATTERN IN TITLE 61, CHAPTER 8; AND
AMENDING SECTION 61-8-316, MCA."

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

NEW SECTION. **Section 1. Fleeing from or eluding peace officer.** (1) Except as provided in
subsections (2) and (3), a person convicted of or pleading guilty or no contest to an offense under 61-8-316 is
guilty of a misdemeanor and shall be imprisoned for a term not to exceed 1 year or fined an amount not to
exceed \$2,000, or both.

(2) A person convicted of the offense of aggravated fleeing from or eluding a peace officer under
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
exceed \$5,000, or both.

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

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

"61-8-316. Fleeing from or eluding peace officer. (1) A person operating a motor vehicle commits
the offense of fleeing from or eluding a peace officer if a uniformed peace officer operating a police vehicle in
the lawful performance of the peace officer's duty gives the person a visual or audible signal by hand, voice,
emergency light, or siren directing the person to stop the motor vehicle and the person knowingly fails to obey

1 the signal by refusing to bring the motor vehicle to a stop, increasing the speed of the motor vehicle, continuing
2 at a speed that is 10 or more miles an hour above the applicable speed limit, extinguishing the motor vehicle's
3 lights, or otherwise fleeing from, eluding, or attempting to flee from or elude the peace officer.

4 ~~(2) — (a) Except as provided in subsection (2)(b), a person convicted of or pleading guilty or no~~
5 ~~contendere to an offense under subsection (1) shall be imprisoned for a term not to exceed 1 year or fined an~~
6 ~~amount not to exceed \$2,000, or both.~~

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

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

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

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

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

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

17 or

18 (iii) leaves the state.

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

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

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