

2019 HOUSE JUDICIARY

HB 1296

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1296
1/21/2019
31153

☐ Subcommittee
☐ Conference Committee

Committee Clerk: DeLores D. Shimek by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

Relating to fleeing or attempting to elude a peace officer; and to provide a penalty

Minutes:

1, 2, 3

Chairman K. Koppelman: Opened the hearing on HB 1296.

Rep. Mock: Introduced the bill. (Attachment #1) Read testimony and went over the bill. Stopped 6:00.

Rep. Rick Becker: Subsection C indicates if you are speeding it would fall into that category.

Rep. Mock: We had this conversation ourselves. The way law enforcement and attorneys worded this was that the inherit risk of death or serious injury would not be met.

Rep. Satrom: Do we have any information that shows this will be a deterrent?

Rep. Mock: No I don't have that information. Law enforcement is here and I would prefer they speak about the process and whether this would make it easier for them.

Rep. McWilliams: How many high speed chases take place in ND?

Rep. Mock: Other people here have statistics.

Chairman K. Koppelman: I have a question on the penalties; especially Section 1. d.

Rep. Mock: When we drafted this we wanted it to mirror the statute with aggravated assault.

Chairman K. Koppelman: There is probably a difference between fleeing an officer than someone willfully assaulting someone else.

Rep. Mock: I trust the judiciary committee would be able to make this a better bill. I would be happy to work with this committee to add maybe willful?

Chairman K. Koppelman: One standard in law is reckless, seems to me to fit the circumstance that you are describing, whereas using a vehicle as a weapon and purposely targeting someone.

Rep. Mock: You are right. That's where if we need to further clarify, I would be happy to entertain that amendment.

Rep. Vetter: So we are going ten times or five times in some cases and five times in other cases. Do you think this would deter other people? Do we need to pass this legislation or why are we doing this?

Rep. Mock: Yes, we are creating a tiered charge. They would have to meet the criteria in the last several months where they have been fleeing a scene and causing a safety issue. I would defer to law enforcement.

Rep. Jones: Section d where it talks about Class B felony.

Rep. Mock: On that information alone that would be correct. I don't want to see the police officers saying I followed them through a stop sign.

Rep. Paur: What would constitute inherent risk of death or serious bodily injury if you are being chased in a residential area when the speed limit is 25 and you are pursuing at 50 doesn't that automatically produce inherent risk of death or bodily injury?

Rep. Mock: Yes, it would put inherent risk to the driver.

Rep. Paur: But you have crossed traffic and that relies on a slower speed.

Rep. Mock: We need to get law enforcements side.

Rep. McWilliams: Raising this to a felony, does that carry with it any minimums?

Rep. Mock: To my knowledge, there would be no mandatory minimums that would be associated with this.

Senator Larson: This is not a solution. I have the utmost respect for law enforcement. I just wanted to show you this is a serious problem. Fleeing from a police officer has gotten to be more serious and more dangerous. I am in support of this bill.

Dave Draovitch, Chief of Police, Bismarck, ND: This is an alarming problem. This could be a tool for us to use. We need a tool to have some deterrent.

Chairman K. Koppelman: What is the disadvantage of doing that versus having a single charge you can levy?

Dave Draovitch: Sometimes some of the other offenses are hard to prove.

Chairman K. Koppelman: You talk about where pursuit is restrained? How often do you eventually catch these people?

Dave Draovitch: Not nearly as many as we would like.

Jeff Solemsaas, Lieutenant Bismarck Police Department: (Attachment # 2) Went over testimony and did a slide show.

Rep. McWilliams: What is the typical conviction rate and sentencing?

Jeff Solemsaas: I did not gather that information.

Rep. McWilliams: Do you fire into a car?

Rep. Vetter: How is the law actually going to change things? If you currently aren't chasing them now how will the law change that.

Jeff Solemsaas: We are limited in our ability to pursue vehicles.

Rep. Vetter: Since it is just a Class A misdemeanor whereas if it Class A or B felony you would follow up?

Jeff Solemsaas: The current case is not worth our while. Enhanced penalties would have a deterrent effect.

Rep. Satrom: Do we have any demographics?

Jeff Solemsaas: I do not have all that information. I don't go back to every single one so I do not have a demographic breakdown.

Chairman K. Koppelman: In failing to stop versus fleeing, is there a line somewhere that delineates between the two?

Jeff Solemsaas: Discussed.

Chairman K. Koppelman: Can you give us a typical scenario for fleeing?

Jeff Solemsaas: It is a thoughtful action by the driver.

Steven Rohrer, Benson County Sheriff: I support this bill. (Attachment # 3) Reading testimony. Different instances that happened. Stopped 55:01.

Rep. McWilliams: Are you aware of any law changes that would have contributed to this growth.

Steven Rohrer: I think it is just the way people are now, more alcohol and drugs.

Chairman K. Koppelman: If they go onto the reservation, how do you handle that?

Steven Rohrer: We stop as soon as BIA shows up. I have only had one incident where the judge didn't get the extradition to them.

Chairman K. Koppelman: Any further testimony in support of HB 1296? Any testimony in opposition to HB 1296? Any neutral informational testimony?

Hearing closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee Prairie Room, State Capitol

HB 1296
1/23/2019
31326

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: DeLores D. Shimek by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

Relating to fleeing or attempting to elude a peace officer; and to provide a penalty.

Minutes:

Attachment 1

Chairman Koppelman: Opened the meeting on HB 1296. (Attachment #1)

Rep. McWilliams: I don't think that this bill is going to change the way people are going to react.

Rep. Rick Becker: I think the amendment .01001 is good adding willfully.

Rep. Rick Becker made a motion to accept the amendment. **Rep. Roers-Jones** seconded the motion to accept the amendment.

Voice vote was taken: Motion carried.

Rep. Hanson: I don't like so many tiers.

Chairman K. Koppelman: I share those concerns. When someone flees the awareness that there is a non-pursuit policy they are going to try and flee.

Rep. Vetter: In real life this will may lock people up a little longer. I don't see what it will really do. They are already able to charge people for different crimes. I am going to oppose this bill.

Rep. Rick Becker: I have concerns on section b., all high speed chases would be felonies then.

Chairman K. Koppelman: I think some parts of this bill are a problem.

Rep. Jones: I don't like the part about a peace officer so it will automatically make them guilty.

Rep. McWilliams: I move that we remove subsection d on HB1296.

Rep. Jones: Seconded the motion.

Voice vote to remove subsection d. Motion carries.

Chairman K. Koppelman: A misdemeanor for the first offense;

Rep. Becker: I move a Do Not Pass as amended.

Rep. Vetter: Seconded motion.

Rep. Paur: I vote for Do Not Pass.

Rep. Vetter: There are other charges that they can be charged with.

Rep. Simons: The court does know how to deal with those offenses accordingly.

Rep. Hanson: The testimony was reckless endangerment.

Rep. Karls: My city council voted unanimously to support this bill, but I don't always agree with my city council.

Roll Call Vote for Do Not Pass Yes 10 No 3 Absent 1

Rep. Vetter will be the **Carrier**.

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1296
1/28/2019
31602

☐ Subcommittee
☐ Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to fleeing or attempting to elude a peace officer; and to provide a penalty.

Minutes:

Chairman K. Koppelman: This bill has been referred to us so the way to get it back before us is to be a motion that we reconsider our action whereby we gave a do not pass recommendation.

Motion Made by Rep. Roers Jones to reconsider our action; Seconded by Rep. Vetter

Voice Vote Carried

Rep. Vetter: We had looked at this bill and I received some information afterwards. The way it is now if we don't pass this bill when they are fleeing they get charged with two counts; reckless endangerment; which is a C felony and also a fleeing penalty, which is an A misdemeanor if it is a first offense under the bill. If we pass the bill, then it will be just a C felony. We are basically streamlining it so it is just one charge instead of the two.

Rep. Bob Paulson: The comment that had been made was essentially every chase would meet the elements of C. which constitutes the risk of death or serious bodily injury? Some of these in rural areas and the middle of the night there may be a significant number of number that don't rise to that level and this gives them a tool they could tell the difference between the two.

Chairman K. Koppelman: The committee did amend out the subsection d on the bill and that amendment was already passed on the floor.

Rep. Rick Becker: We are by doing a do not pass we are countering what we think we are doing. I don't see any evidence of that whatsoever. I hope that gets flushed out before we reverse what we are doing based on hearsay. If I were to get rid of the underscored language and unstruck the struck language, then that reverts to the current law. I am not sure where that plays out.

Chairman K. Koppelman: I think it has more to do with common practice than penalty. People are often being cited with wreck less endangerment.

Rep. Rick Becker: The way the law is now if you are fleeing an officer you will get a Class a Misdemeanor; this bill would still give you a Class C felony. We still have the aspect the first offense becomes a felony. I am skeptical of the need to overturn the committee's original recommendation.

Rep. Bob Paulson: I think the stacking of two charges is the concern. It would be one less charge.

Chairman K. Koppelman: Sometimes there is a desire to clarify a particular charge in statutes so people can actually be cited for that charge rather than trying to grab from somewhere else.

Rep. Vetter: Danny Weigle; the police force in Grand Forks heard the same thing.

Rep. Rick Becker: Law enforcement is worried about a stacking offense?

Rep. Vetter: No he is basically they wanted to streamline it to one offense. When it is a felony it is up to the states attorney versus them just stacking some A misdemeanor.

Chairman K. Koppelman: We can certainly give you some time to look at this and get back to us.

Chairman K. Koppelman: Please work on that and talk to law enforcement and get back to the committee.

Closed.

2019 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1296
1/28/2019
32866

☐ Subcommittee
☐ Conference Committee

Committee Clerk: DeLores D. Shimek

Explanation or reason for introduction of bill/resolution:

Relating to fleeing or attempting to elude a peace officer; and to provide a penalty.

Minutes:

Chairman K. Koppelman: Opened the meeting on HB 1296. This bill we had acted on and passed it out on the floor and the bill carrier for the Do Not Pass asked us to take it back because he learned some more information.

Rep. Bob Paulson: When I voted to send the bill out like I did my understanding was that basically any time someone attempted to evade the police they met that criteria of putting other peoples in danger. There might be times that is not true. I wanted to share an email I got with the primary sponsor and he said right now prosecutors need to stack charges based on enhanced fleeing. Instead 1296 creates a specific charge to be applied in cases where a person fleeing law enforcement and putting the lives of others in extreme danger can have one charge that accurately describes the alleged crime. Current law would lead to multiple charges and various penalties. Wreck less endangerment can mean any number of things from discharging a firearm to speeding through a cross walk when children are present. Enhanced fleeing would eliminate the need to apply a general charge solely for the purpose of charging a person with wreck less activities while evading arrest by law enforcement.

Chairman K. Koppelman: There are some charges that get stacked and some are catch all's. If there isn't something else in the code that they can site, you with they use care required.

Do Pass Motion Made by Rep. Roers Jones; Seconded by Rep. Satrom

Discussion:

Rep. Rick Becker: I am going to resist the motion. I am always a little bit concerned about things that I may not know the full ramifications.

Chairman K. Koppelman: There are cases where they are clearly putting life in danger and then there are others where the police follow a vehicle so it wasn't anything for those kinds of cases.

Rep. Paur: I don't see anything that changed my original opinion.

Roll Call Vote: 8 Yes 5 No 1 Absent **Carrier:** Rep. Vetter

Closed.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1296

Page 1, line 14, after "while" insert "willfully"

Page 1, line 16, after "driver" insert "willfully"

Page 1, line 19, after "driver" insert "willfully"

Renumber accordingly

DA 1/23/19

19.0311.01002
Title.02000

Adopted by the Judiciary Committee

January 23, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1296

Page 1, line 14, after "while" insert "willfully"

Page 1, line 15, after the underscored semicolon insert "or"

Page 1, line 16, after "driver" insert "willfully"

Page 1, line 18, remove "; or"

Page 1, remove lines 19 and 20

Page 1, line 21, remove "to an individual under the age of twelve or to a peace officer"

Renumber accordingly

Date: 1-23-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1296

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: 19.0311.01001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Becker Seconded By Rep. Rons Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman			Rep. Buffalo		
Vice Chairman Karls			Rep. Karla Rose Hanson		
Rep. Becker					
Rep. Terry Jones					
Rep. Magrum					
Rep. McWilliams					
Rep. B. Paulson					
Rep. Paur					
Rep. Roers Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

voice vote carried

Date: 1-23-19
Roll Call Vote #: 2

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES HB 1296
BILL/RESOLUTION NO.

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description:

Remove Sub D.

Recommendation:

☒ Adopt Amendment

☐ Do Pass

☐ Do Not Pass

☐ Without Committee Recommendation

☐ As Amended

☐ Rerefer to Appropriations

☐ Place on Consent Calendar

Other Actions:

☐ Reconsider

☐

Motion Made By

Rep. McWilliams

Seconded By

Rep. Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman			Rep. Buffalo		
Vice Chairman Karls			Rep. Karla Rose Hanson		
Rep. Becker					
Rep. Terry Jones					
Rep. Magrum					
Rep. McWilliams					
Rep. B. Paulson					
Rep. Paur					
Rep. Roers Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

*Voice Vote
Carried*

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES HB
BILL/RESOLUTION NO. 1236

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Becker Seconded By Rep. Vetter

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman		<input checked="" type="checkbox"/>	Rep. Buffalo	<input checked="" type="checkbox"/>	
Vice Chairman Karls		<input checked="" type="checkbox"/>	Rep. Karla Rose Hanson	<input checked="" type="checkbox"/>	
Rep. Becker	<input checked="" type="checkbox"/>				
Rep. Terry Jones	<input checked="" type="checkbox"/>				
Rep. Magrum	<input checked="" type="checkbox"/>				
Rep. McWilliams	<input checked="" type="checkbox"/>				
Rep. B. Paulson	<input checked="" type="checkbox"/>				
Rep. Paur	<input checked="" type="checkbox"/>				
Rep. Roers Jones	<input checked="" type="checkbox"/>				
Rep. Satrom		<input checked="" type="checkbox"/>			
Rep. Simons	<input checked="" type="checkbox"/>				
Rep. Vetter	<input checked="" type="checkbox"/>				

Total (Yes) 10 No 3

Absent 1

Floor Assignment Rep. Vetter

If the vote is on an amendment, briefly indicate intent:

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
HB _____1296_____**

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☒ Reconsider ☐ _____

Motion Made By Rep. Roers Jones Seconded By Rep. Vetter

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman			Rep. Buffalo		
Vice Chairman Karls			Rep. Karla Rose Hanson		
Rep. Becker					
Rep. Terry Jones					
Rep. Magrum					
Rep. McWilliams					
Rep. B. Paulson					
Rep. Paur					
Rep. Roers Jones					
Rep. Satrom					
Rep. Simons					
Rep. Vetter					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Voice vote carried.

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES 1296

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rovers Jones Seconded By Satrom

Representatives	Yes	No	Representatives	Yes	No
Chairman Koppelman	<input checked="" type="checkbox"/>		Rep. Buffalo	<input checked="" type="checkbox"/>	
Vice Chairman Karls	<input checked="" type="checkbox"/>		Rep. Karla Rose Hanson		<input checked="" type="checkbox"/>
Rep. Becker		<input checked="" type="checkbox"/>			
Rep. Terry Jones	<input checked="" type="checkbox"/>				
Rep. Magrum		<input checked="" type="checkbox"/>			
Rep. McWilliams		<input checked="" type="checkbox"/>			
Rep. B. Paulson	<input checked="" type="checkbox"/>				
Rep. Paur		<input checked="" type="checkbox"/>			
Rep. Roers Jones	<input checked="" type="checkbox"/>				
Rep. Satrom	<input checked="" type="checkbox"/>				
Rep. Simons	<input checked="" type="checkbox"/>				
Rep. Vetter	<input checked="" type="checkbox"/>				

Total (Yes) 8 No 5

Absent 1

Floor Assignment Rep. Vetter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1296: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1296 was placed on the Sixth order on the calendar.

Page 1, line 14, after "while" insert "willfully"

Page 1, line 15, after the underscored semicolon insert "or"

Page 1, line 16, after "driver" insert "willfully"

Page 1, line 18, remove ";or"

Page 1, remove lines 19 and 20

Page 1, line 21, remove "to an individual under the age of twelve or to a peace officer"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1296, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)
recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1296 was placed on the Eleventh order on the calendar.

2019 SENATE JUDICIARY

HB 1296

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1296
3/18/2019
#33886 (51:22)

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Meghan Pegel / Marne Johnson

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact section 39-10-71 of the North Dakota Century Code, relating to fleeing or attempting to elude a peace officer; and to provide a penalty.

Minutes:

5 Attachments

Chair Larson opens the hearing on HB 1296. Senator Osland was absent.

(0:35-5:55) Corey Mock, District 18 Representative, testifies in favor (see attachment #1)

Chair Larson: I know one of the concerns the officers had was needing to charge it under reckless endangerment or something else in order to get the real threat level of what that danger was doing, so I feel this bill is appropriate.

Senator Luick: Can you define motor vehicle?

Representative Mock: I know it is thoroughly defined in title 39, I don't have that section with me, I believe one of the representatives in law enforcement could more accurately describe what we constitute as a motor vehicle. I do know we have some section that will separate out, further amend. There was a case where someone was fleeing an officer with a snowmobile. We have different insurance requirements for snowmobiles than we do motor vehicles.

Joseph Jenson, UND Law Intern, neutral party

Jenson: Motor vehicle defined in chapter 39-01-46 states 'every vehicle that is self-propelled, every vehicle that is propelled by electric power obtained from overhead trolley wires without operating on rails, and, for purposes of motor vehicle registration, title registration, and operator's licenses, motorized bicycles. The title does not include a snowmobile as defined in section 39-24-01.'

Senator Luick: The amount of speed has nothing to do with the definition of a motor vehicle in this case.

Representative Mock: Correct. Currently, one of the tools that law enforcement uses if they are seeking an enhanced fleeing charge, is they will apply a more generic reckless endangerment charge. In my testimony it's halfway through the testimony, there are sections of the century code. The first page says Chapter 12.1-17. You'll see the charge for reckless endangerment which is a general catchall charge in our criminal code. It is a class A misdemeanor, it can be a class C felony if it's in extreme indifference to the value of human life. That is the charge that law enforcement would usually apply to someone fleeing an officer if it puts a third party inherently at risk of loss of life or serious injury. It does result in the stacking of charges, the reason the House Judiciary committee amended this is to simplify the process. You don't need to worry about stacking and proving multiple different offenses. The act was fleeing an officer and endangering the life of a third party. They felt that instead of requiring law enforcement and State's Attorneys to work on multiple charges, that we could simplify it, have one unified enhanced fleeing charge, and minimize the need to have stacked charges in those circumstances.

(10:40-13:00) Major Jim Hulm, Burleigh County Sheriff's Department, testifies in favor (see attachment #2)

Major Hulm: I have some statistics from 2017- 2018. My position in 2017 was Patrol Lieutenant, I did a review of our pursuits and fleings and compared what we had at the end of 2018. Obviously we've had an increase over those two year, but looking back five years, we've seen the most increase. 2017-2018 our average speeds increased from 70 mph to 75 mph. This is an average. Pursuit times have increased from 3 minutes to 5 minutes, almost doubling. Increased number of individuals who flee towards a city has increased exponentially. They seek the confines of a city to get away from us. It comes down to the last paragraph in my testimony. There needs to be change and these people need to be held accountable, it needs to be proportional and appropriate.

(15:05-18:25) Dave Draovitch, Chief of Bismarck Police Department, testifies in favor (see attachment #3)

Senator Myrdal: When your department is chasing someone, when do you decide to let them go because it's too dangerous?

Chief Draovitch: Almost immediately. It has to be a very serious offense before we'll pursue anybody in our department. Most departments are like that.

Chair Larson: If you are chasing somebody you know just murdered somebody?

Chief Draovitch: Oh, we would chase them however long it took. For a traffic violation, I am not willing to risk my family, so I won't risk your families either.

Senator Bakke: If you are chasing someone and you decide to discontinue, do you apprehend them later?

Chief Draovitch: Our officers are getting pretty good at tracking these people down, but we're not able to track everyone down.

(20:55) Jeff Solemsaas, Lieutenant with the Bismarck Police Department, testifies in favor (see attachment #4)

Short video of car chases was presented (21:45-26:00)

Lieutenant Solemsaas: Our pursuit policy is limited in that we are only allowed to pursue vehicles in extreme cases.

Senator Luick: Do you get repeat offenders?

Lieutenant Solemsaas: There are quite a few. The problem has been in the past that the owner will say they loaned it or it was stolen.

Chair Larson: Would you state those two officers' names who were on patrol and were so worried about this behavior that they brought it to my attention, for the record?

Lieutenant Solemsaas: I believe they were Officer Guggenberger, the other was Officer Hersch.

Continues reading written testimony (27:10-30:05)

Senator Luick: How many of these are impaired in one way or another?

Lieutenant Solemsaas: I don't have the answer to that, a lot of times we're not allowed to engage in the pursuit. We might not catch up to the driver until a couple of days later. We can make an assumption, by the manner they are driving, but I can't prove it.

Senator Bakke: If you do catch them later, can you charge them, based on the videos?

Lieutenant Solemsaas: Yes, we can. Videos are actually great evidence for prosecution.

Vice Chairman Dwyer: Currently it's a class C felony if you are fleeing while you're committing a felony, now we're adding operating a vehicle in a manner constituting inherent risk of death or serious bodily injury, but we're adding the adjective willfully at the beginning. Wouldn't all of these situations create that same risk, why would we want to use the word willfully, because that would imply that you are intending to cause harm, where somebody is fleeing, they are probably not intending to cause harm. They may do it, but why would we want to use that?

Lieutenant Solemsaas: The 'willfully' was added in after the bill was introduced. I don't know the argument behind that. Some people had the perception that maybe some drivers might be just really scared of the police and they might try to flee, and they're not willfully engaging in that. I think that a lot of our videos do show that it's an act that they're taking upon themselves, it's not a spur of the moment decision, they are making a judgement call to flee from the officers.

Chair Larson: It wouldn't be difficult standard in court to show that they are clearly trying to elude the police, so that would be willful. Is that correct?

Lieutenant Solemsaas: I believe that would be the case. The video evidence would go a substantial way to proving that.

Senator Luick: What's your thought about if there's a speed requirement involved with this? If you have an individual that is inebriated on his lawnmower and or tractor and doesn't halt and they're heading away from you at 6 miles an hour. How does that fit in with this bill?

Lieutenant Solemsaas: I can't think of an instance where a garden tractor would cause some extreme damage, but I can think of an example where a tractor possibly could. It's a very heavy vehicle, it has a lot torque, a lot of power. You've probably seen videos nationwide; someone steals an armored personnel carrier. Not a high speed vehicle, but it can do some significant damage and cause a loss of life. That's the key, the manner in which the vehicle is being operated, not necessarily the speed.

Senator Luick: In that case, if we pass this bill, would the judges still have discretion as far as how they perceive the danger in that pursuit?

Lieutenant Solemsaas: I make it a habit to not guess what judges would do.

Senator Bakke: How effective are those speed bumps and the pointy things that you put down? Do those work, or is it hard to get in front of them to put those down?

Lieutenant Solemsaas: We do have spike strips, the problem is in town we don't know where that vehicle will go, we don't have the time or ability to be set up and do it safely. If you've ever seen video of officers trying to deploy spike strips, it's a dangerous situation.

Senator Bakke: Do the speed bumps work?

Lieutenant Solemsaas: I think they do work to an extent, but there's an issue. We don't want to install speed bumps all over town. Our public works would have issue with that, plowing streets, and that would lead to some driver frustration.

(36:45) Donnell Preskey, North Dakota Association of Counties, testifies in favor

Preskey: I work very closely with the North Dakota Sheriff's and Deputies Association; I want to be on record in support of this bill.

Representative Mock: In response to Senator Luick's question regarding judicial discretion; yes. The reason the bill was drafted the way it was, without getting into any thresholds that would need to be met, the enhanced charge was if it places a third party at risk of death or serious injury, it was left up to interpretation, not just law enforcement but also with the judicial branch. There was an example in the past few months of an individual in Grand Forks, an individual tried to flee. They were at a full stop and law enforcement was trying to detain one of the passengers, the driver sped off, crashed into the grand Forks police car, and tried to get away. I don't believe that vehicle ever hit a high rate of speed, but while they were leaving,

was dragging a law enforcement officer. We wanted to make sure we didn't put anything in there that said it had to exceed a certain amount of speed, knowing there are so many variables that law enforcement and the court system would need to consider when applying the charges.

Vice Chairman Dwyer: Could you elaborate on the House's decision to add the word 'willfully'?

Representative Mock: The committee wanted the assurance that there is no case where someone could be charged with the enhanced fleeing, and the defense was they just didn't know, or they were scared because they were fearful for their life. They wanted the assurance that there had to be willful intent of eluding an officer and putting someone's life at risk. The thresholds, the willful, intentional ect. all of those terminology words are often used in that committee and they like to insert the level of intent that is necessary. This is one of those examples where they wanted to insert 'willful' to put some of the committee members' minds at ease.

Vice Chairman Dwyer: It seems like it would be a good defense. It wasn't willful.

Representative Mock: Certainly, adding that term could add to the defense. However, with video evidence and others, it should be fairly easy to demonstrate the intentions of the individual. I don't think the willful threshold would be difficult to overcome. That's why sponsors of the bill did not object to them placing that word in. I leave it to the committee to decide if they want to amend that. The House originally had a do not pass recommendation until they added this language.

Senator Luick: What's an example of not willful?

Representative Mock: Some of the examples that were brought up was if there was a medical incident, having seizures, clearly medically incapacitated, unable to stop. In those cases, it would be highly unlikely if someone was charged, because it was a medical event and not a true evasion of law enforcement. I have a hard time coming up with examples of someone eluding arrest in a vehicle, putting people's lives in danger, and it not being a willful act.

(43:25-46:35) Major Tom Iverson, Chief of Operations for the North Dakota Highway Patrol, agency testimony (see attachment #5)

Senator Myrdal: I know there's practice for parents to tell their teenage daughters who are out driving late at night to not stop in unpopulated areas, even for an officer. Is that something that officers respect? I tell my daughter that. Would she be fleeing?

Major Iverson: I have seen that from time to time, where they will slow down and proceed to an area that is populated. Our officers do need to use some discretion when dealing with this. At night that can be difficult to determine, because there are large amounts of pursuits that are low speed pursuits. It's hard to know if it's a young person who is scared, doesn't know what is going on, but no, I would not give that advice. They do need to pull over when red lights are flashing behind them.

Senator Myrdal: That young woman or man could possibly be charged with fleeing.

Major Iverson: Yes, depending on how far they go. Once the officer gets to the vehicle the officer can make the decision.

Senator Myrdal: Is there a difference between when you stop pursuing? Does Highway Patrol have a different policy than in the city? You have more wide open spaces.

Major Iverson: Yes. We have our own enforcement policy and within that would be our own pursuit policy. We do have a lot of disclaimers in there that the officers need to weigh the risk that is associated with it, versus capturing that person. Can we identify them and get them at a later time? In law enforcement as time has gone on, the risk that the public takes by us engaging in these pursuits is very high. The risk that that person is creating by driving extremely fast, we just doubled it by getting behind them and copying that speed. However, we do have a job to do, the public trust us to enforce that law, so they trust the law enforcement to drive safely and do the best that they can. If the officers have a doubt that they are creating a risk, we would discontinue the pursuit.

Chair Larson closes the hearing on HB 1296.

Senator Myrdal: Motions for a Do Pass.

Senator Luick: Seconds.

A Roll Call Vote Was Taken: 5 yeas, 0 nays, 1 absent. Motion carries.

Senator Bakke will carry the bill.

**2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1296**

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Senator Myrdal Seconded By Senator Luick

Senators	Yes	No	Senators	Yes	No
Chair Larson	X		Senator Bakke	X	
Vice Chair Dwyer	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	AB				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator Bakke

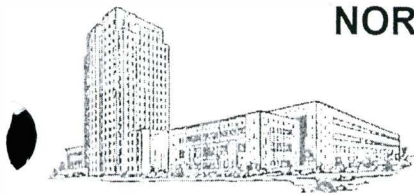
If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1296, as engrossed: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1296 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1296



NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Corey Mock

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COMMITTEES:
Appropriations

To: Chairman Kim Koppelman and Members of the House Judiciary Committee

Date: January 21, 2019

Support Testimony for HB 1296 -- Aggravated Fleeing

Good morning, Mr. Chairman and members of the committee. My name is Corey Mock, representative for District 18 in Grand Forks, ND, and I am here today as one of the sponsors of HB 1296.

On the morning of Thursday, August 2nd of last year, I inadvertently found myself as one of the first people on the scene of a single car crash near St. Mary's Catholic Church and Early Childhood Educational Center in downtown Grand Forks. The vehicle was severed in half after barreling into a large oak tree, spreading debris across church property and into adjacent yards.

While the loss of the driver's life is tragic, parents who would be soon dropping off their children are immensely fortunate this crash did not occur two hours later.

At 5:15 am, the driver refused to stop and engaged in a high-speed evasion of the Grand Forks police officer. As this 33-year old driver neared downtown, police said he "rapidly accelerated and turned off his headlights, in further attempts to elude the officer."

Police terminated the pursuit because of the danger this chase posed to the public. Shortly after the pursuit was called off, however, dispatch was notified that the car had crashed into a tree, causing extreme damage and ultimately ejecting the driver from the vehicle, who died at the scene.

Mr. Chairman and committee members, I wish I could tell you this was an anomaly in Grand Forks. I'd like to tell you that news of high-speed pursuits are so rare they're treated as "breaking news." Like so many communities across the state, however, news of pursuits have become a regular feature.

HB 1296 was drafted at the request of law enforcement officers in the Grand Forks area. And I want to take the moment to mention that we were not the only community working on legislation for the 2019 session.

Sen. Diane Larson and Rep. Pat Heinert -- both of Bismarck -- had drafted similar legislation that created a felony charge for fleeing law enforcement in a motor vehicle. Consensus among bill sponsors, law enforcement, and states attorneys suggested the language before you delivered an appropriately tiered charge based on the severity of a pursuit.

We have several members representing law enforcement and judicial associations here to testify to the need of an aggravated fleeing charge in North Dakota. In a moment I hope you'll afford them the opportunity to share their experiences and rationale behind HB 1296.

Before I turn it over to questions and subsequent testimony, however, I would like to share some additional information that we used in drafting this bill.

Attached to this testimony you'll find a list of fleeing charges from 14 other states along with a summary of North Dakota's current law. This is not a comprehensive list of all states with enhanced or tiered charges, but a sample compiled by NCSL and used by sponsors as we explored options for an aggravated fleeing statute.

The next pages include a copy of current assault charges from North Dakota's criminal code (Title 12.1-17) and our reckless driving charges (Title 39-08-03). I'll reference the criminal code during the explanation of the bill and you may be interested in reviewing the reckless driving statute as you consider current charges law enforcement has available to them in these cases. Finally, I have the classification of offenses and a sample of news stories that provide recent fleeing examples.

Currently, any driver fleeing or eluding arrest may only be charged with a class A misdemeanor, unless it's a subsequent offense within three years.

Section 1 amends current penalties for fleeing or attempting to elude a peace officer, ultimately creating felony level charges if risk of death or serious bodily injury occur as a result of the drivers attempts to flee law enforcement.

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Subsections are created beginning on line 11. Overstruck language on lines 12 and 13 become the new subsection B on lines 14 and 15.

Substantive changes begin on line 16 with subsection C. Similar to our aggravated assault charges, a driver operating a vehicle in a manner constituting an inherent risk of death or serious bodily injury to a third person may be charged with a class C felony.

Subsection D says the driver may be charged with a class B felony if the third person is a child under the age of twelve or a peace officer.

The remainder of the section is unchanged from current law.

Thank you again, Mr. Chairman and members of the committee. I hope this adequately explains the bill before you and prepares you for additional testimony that will begin momentarily. At this time I'd be happy to entertain any questions the committee may have.

STATE	STATUTE	OFFENSE	PENALTY	ENHANCED PENALTY
North Dakota	12.1-08-11	(Refusing to halt) prohibits an individual from willfully failing or refusing to stop or otherwise flee or attempt to elude, in any manner, a pursuing peace officer, when given a visual or audible signal to stop.	B misdemeanor for a first or second offense.	Class A misdemeanor for a subsequent offense.
North Dakota	39-10-71	(Fleeing or attempting to elude a peace officer) Prohibits a driver of a motor vehicle from willfully failing or refusing to bring the vehicle to a stop, or otherwise flee or attempt to elude, in any manner, a pursuing police vehicle or peace officer, when given a visual or audible signal to bring the vehicle to a stop.	Class A misdemeanor for a first offense.	<ul style="list-style-type: none"> Class C felony for a subsequent offense within three years. Class C felony if violating this section while fleeing after or in the commission of a felony.
Michigan	750.479a./ 257.602a	An operator of a motor vehicle or vessel who is given by hand, voice, emergency light, or siren a visual or audible signal by a police or conservation officer, acting in the lawful performance of his or her duty, directing the operator to bring his or her motor vehicle or vessel to a stop shall not willfully fail to obey that direction by increasing the speed of the vehicle or vessel, extinguishing the lights of the vehicle or vessel, or otherwise attempting to flee or elude the police or conservation officer.	Fourth-degree fleeing and eluding, a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.	<ul style="list-style-type: none"> Third-degree fleeing and eluding, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both, if: <ul style="list-style-type: none"> The offense results in a collision or accident; The offense occurred in an area where the speed limit is 35 miles an hour or less; or The individual has a prior conviction for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct. Second-degree fleeing and eluding, a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both, if:

				<ul style="list-style-type: none"> ○ The offense results in serious impairment of a body function of an individual; ○ The individual has 1 or more prior convictions for first-, second-, or third-degree fleeing and eluding, attempted first-, second-, or third-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct; or ○ The individual has any combination of 2 or more prior convictions for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct. • First degree fleeing and eluding, a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$15,000.00, or both, if the offense results in the death of another individual.
North Carolina	20-141.5.	(Speeding to elude arrest) Prohibits an individual from operating a motor vehicle on a street, highway, or public vehicular area while fleeing or attempting to elude a law enforcement officer who is in the lawful performance of his duties.	Class 1 misdemeanor	<ul style="list-style-type: none"> • Class H felony if <u>two or more</u> of the following aggravating factors are present at the time the violation occurs: <ul style="list-style-type: none"> ○ Speeding in excess of 15 miles per hour over the legal speed limit. ○ Gross impairment of the person's faculties while driving due to: <ul style="list-style-type: none"> ▪ Consumption of an impairing substance; or

				<ul style="list-style-type: none"> ▪ A blood alcohol concentration of 0.14 or more within a relevant time after the driving. ○ Reckless driving. ○ Negligent driving leading to an accident causing: <ul style="list-style-type: none"> ▪ Property damage in excess of one thousand dollars (\$1,000); or ▪ Personal injury. ○ Driving when the person's drivers license is revoked. ○ Driving in excess of the posted speed limit, during the days and hours when the posted limit is in effect, on school property or in an area designated as a school zone. ○ Passing a stopped school bus. ○ Driving with a child under 12 years of age in the vehicle. ○ Is the proximate cause of the death of any person. • Class E felony if the offense is the proximate cause of the death of any person while violating the class H felony above.
Iowa	321.279.	(Eluding or attempting to elude pursuing law enforcement vehicle) The driver of a motor vehicle may not willfully fail to bring the motor vehicle to a stop or otherwise elude or attempt to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual and audible signal to stop.	Serious misdemeanor	<ul style="list-style-type: none"> • Aggravated misdemeanor if the driver exceeds the speed limit by twenty-five miles per hour or more. • Class D felony if the driver exceeds the speed limit by twenty-five miles per hour or more, and any of the following occurs: <ul style="list-style-type: none"> ○ The driver is participating in a public offense that is a felony.

				<ul style="list-style-type: none"> ○ The driver is operating the vehicle while under the influence of alcohol or a drug or while having an alcohol concentration of .08 or more, or is in the possession of a controlled substance. ○ The offense results in bodily injury to a person other than the driver.
South Dakota	32-33-18	(Failure to stop at the signal of law enforcement officer) Any driver of a vehicle who intentionally fails or refuses to bring a vehicle to a stop, when given visual or audible signal to bring the vehicle to a stop, is guilty of failure to stop at the signal of a law enforcement officer.	Class 2 misdemeanor	<ul style="list-style-type: none"> • Class 1 misdemeanor if after failing or refusing to bring a vehicle to a stop the driver flees from the law enforcement officer or attempts to elude the pursuit of the law enforcement officer. • Class 6 felony if the driver during the flight or pursuit, the driver operates the vehicle in a manner that constitutes an inherent risk of death or serious bodily injury to any third person.
Oregon	811.540	(Fleeing or attempting to elude police officers) A person commits the crime of fleeing or attempting to elude a police officer if: <ul style="list-style-type: none"> • The person is operating a motor vehicle; and • A police officer who is in uniform and prominently displaying the police officer's badge of office or operating a vehicle appropriately marked showing it to be an official police vehicle gives a visual or audible signal to bring the vehicle to a stop, including any signal by hand, voice, emergency light or siren. 	<ul style="list-style-type: none"> • Class A misdemeanor if The person gets out of the vehicle and knowingly flees or attempts to elude the police officer. • Class C felony if the person, while still in the vehicle, knowingly flees or attempts to elude a pursuing police officer. 	
Minnesota	609.487	(Fleeing peace officer) Whoever by means of a motor vehicle flees or attempts to flee a peace officer who is acting in the lawful discharge of	Felony; may be sentenced to imprisonment for not	<ul style="list-style-type: none"> • Imprisonment for not more than 40 years or to payment of a fine of not more than \$80,000, or both if the course of fleeing results in death.

		an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer.	more than three years and one day or to payment of a fine of not more than \$5,000, or both.	<ul style="list-style-type: none"> • Imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both if the course of fleeing results in great bodily harm. • Imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both if the course of fleeing results in substantial bodily harm. • Misdemeanor for whoever, for the purpose of avoiding arrest, detention, or investigation, or in order to conceal or destroy potential evidence related to the commission of a crime, attempts to evade or elude a peace officer, who is acting in the lawful discharge of an official duty, by means of running, hiding, or by any other means except fleeing in a motor vehicle.
Utah	41-6a-210.	(Fleeing) An operator who receives a visual or audible signal from a law enforcement officer to bring the vehicle to a stop may not attempt to flee or elude a law enforcement officer by vehicle or other means.	Felony of the third degree.	Felony of the second degree if while so doing causes death or serious bodily injury to another person, under circumstances not amounting to murder or aggravated murder.
Alabama	13A-10-52	(Fleeing or attempting to elude law enforcement officer) <ul style="list-style-type: none"> • It is unlawful for a person to intentionally flee by any means from anyone the person knows to be a law enforcement officer if the person knows the officer is attempting to arrest the person. • It is unlawful for a person while operating a motor vehicle on a street, road, alley, or highway in this state, to intentionally flee or attempt to elude a law enforcement officer after having received a signal from the officer to bring the vehicle to a stop. 	Class A misdemeanor	Class C felony if the flight or attempt to elude causes an actual death or physical injury to innocent bystanders or third parties.

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Florida	316.1935	<p>(Fleeing or attempting to elude a law enforcement officer; aggravated fleeing or eluding)</p> <ul style="list-style-type: none"> It is unlawful for the operator of any vehicle, having knowledge that he or she has been ordered to stop such vehicle by a duly authorized law enforcement officer, willfully to refuse or fail to stop the vehicle in compliance with such order or, having stopped in knowing compliance with such order, willfully to flee in an attempt to elude the officer. Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle, with agency insignia and other jurisdictional markings prominently displayed on the vehicle, with siren and lights activated. 	Felony of the third degree	<ul style="list-style-type: none"> Felony of the second degree if the person drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property. Felony of the first degree if the person drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property, and causes serious bodily injury or death to another person, including any law enforcement officer involved in pursuing or otherwise attempting to effect a stop of the person's vehicle.
West Virginia	61-5-17	<p>(Obstructing officer; fleeing from officer)</p> <ol style="list-style-type: none"> A person may not intentionally flee or attempt to flee by any means other than the use of a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity who is attempting to make a lawful arrest of the person, and who knows or reasonably believes that the officer is attempting to arrest him or her. A person may intentionally flee or attempt to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the 	<ol style="list-style-type: none"> Misdemeanor (fined not less than \$50 nor more than \$500 or confined in jail not more than one year, or both). Misdemeanor (fined not less than \$500 nor more than \$1,000 and shall be confined in a regional jail not 	<ul style="list-style-type: none"> Felony (fined not less than \$1,000 nor more than \$2,000 and shall be imprisoned in a state correctional facility not less than one nor more than five years) if the person operates the vehicle in a manner showing a reckless indifference to the safety of others. Misdemeanor (fined not less than \$1,000 nor more than \$3,000 and shall be confined in jail for not less than six months nor more than one year) if the person causes damage to the real or personal property of a person during or resulting from his or her flight. Felony (imprisoned in a state correctional facility not less than three nor more than ten years) if

		officer has given a clear visual or audible signal directing the person to stop	more than one year).	<p>the person causes bodily injury to a person during or resulting from his or her flight.</p> <ul style="list-style-type: none"> • Felony (imprisoned in a state correctional facility for not less than five nor more than fifteen years) if the person causes death to a person during or resulting from his or her flight. • Felony (imprisoned in a state correctional facility not less than three nor more than ten years) if the person is under the influence of alcohol, controlled substances or drugs.
Mississippi	97-9-72	(Driver failing to stop motor vehicle pursuant to signal of law enforcement officer) The driver of a motor vehicle who is given a visible or audible signal by a law enforcement officer by hand, voice, emergency light or siren directing the driver to bring his motor vehicle to a stop when such signal is given by a law enforcement officer acting in the lawful performance of duty who has a reasonable suspicion to believe that the driver in question has committed a crime, and who willfully fails to obey such direction.	Misdemeanor (a fine not to exceed \$1,000.00 or imprisoned in the county jail for a term not to exceed six (6) months, or both.	<ul style="list-style-type: none"> • Felony (a fine not to exceed \$5,000.00, or by commitment to the custody of the Mississippi Department of Corrections for not more than five (5) years, or both) if the person operates the motor vehicle in such a manner as to indicate a reckless or willful disregard for the safety of persons or property, or who so operates a motor vehicle in a manner manifesting extreme indifference to the value of human life. • Felony (imprisonment for not less than three (3) nor more than twenty (20) years) if the person's flight results in the serious bodily injury of another. • Felony (imprisonment for not less five (5) nor more than forty (40) years) if the person's flight results in the death of another.
Pennsylvania	3733	(Fleeing or attempting to elude police officer) Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police officer, when given a visual and audible signal to bring the vehicle to a stop.	Misdemeanor of the second degree. Any driver upon conviction shall pay an additional fine of \$500.	<ul style="list-style-type: none"> • Felony of the third degree if the driver while fleeing or attempting to elude a police officer does any of the following: <ul style="list-style-type: none"> ○ Drives under influence of alcohol or controlled substance; ○ Crosses a State line; or

				<ul style="list-style-type: none"> o endangers a law enforcement officer or member of the general public due to the driver engaging in a high-speed chase.
Arkansas	5-54-125	(Fleeing) If a person knows that his or her immediate arrest or detention is being attempted by a duly authorized law enforcement officer, it is the lawful duty of the person to refrain from fleeing, either on foot or by means of any vehicle or conveyance.	Class C misdemeanor	<ul style="list-style-type: none"> • Class B misdemeanor if the defendant has been previously convicted of fleeing on foot anytime within the past one-year period. • Class A misdemeanor if property damage occurs as a direct result of the fleeing on foot. • Class D felony if serious physical injury occurs to any person as a direct result of the fleeing on foot. • Class A misdemeanor if fleeing by means of any vehicle or conveyance. • Class D felony when fleeing by means of any vehicle or conveyance and under circumstances manifesting extreme indifference to the value of human life, a person purposely operates the vehicle or conveyance in such a manner that creates a substantial danger of death or serious physical injury to another person. • Class C felony if serious physical injury to any person occurs as a direct result of fleeing by means of any vehicle or conveyance.
Georgia	40-6-395	(Fleeing or attempting to elude a police officer) It is unlawful for any driver of a vehicle willfully to fail or refuse to bring his or her vehicle to a stop or otherwise to flee or attempt to elude a pursuing police vehicle or police officer when given a visual or an audible signal to bring the vehicle to a stop.	High and aggravated misdemeanor and upon conviction shall be fined not less than \$500.00 nor more than \$5,000.00.	<ul style="list-style-type: none"> • Fined not less than \$1,000.00 nor more than \$5,000.00 for a second conviction within a ten-year period of time. • Fined not less than \$2,500.00 nor more than \$5,000.00 for third or subsequent conviction within a ten-year period of time. • Felony (punishable by a fine of \$5,000.00 or imprisonment for not less than one year nor more than five years or both) if the driver:

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				<ul style="list-style-type: none">○ Operates his or her vehicle in excess of 20 miles an hour above the posted speed limit;○ Strikes or collides with another vehicle or a pedestrian;○ Flees in traffic conditions which place the general public at risk of receiving serious injuries;○ Drives under the influence of alcohol, drugs, or toxic vapor; or○ Leaves the state.
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CHAPTER 12.1-17
ASSAULTS - THREATS - COERCION - HARASSMENT

12.1-17-01. Simple assault.

1. A person is guilty of an offense if that person:
 - a. Willfully causes bodily injury to another human being; or
 - b. Negligently causes bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.
2. The offense is:
 - a. A class C felony when the victim is a peace officer or correctional institution employee acting in an official capacity, which the actor knows to be a fact; an employee of the state hospital acting in the course and scope of employment, which the actor knows to be a fact, and the actor is an individual committed to or detained at the state hospital pursuant to chapter 25-03.3; a person engaged in a judicial proceeding; or a member of a municipal or volunteer fire department or emergency medical services personnel unit or emergency department worker in the performance of the member's duties.
 - b. A class B misdemeanor for the first offense when the victim is an actor's family or household member as defined in subsection 4 of section 14-07.1-01 and a class A misdemeanor for a second or subsequent offense when the victim is an actor's family or household member as defined in subsection 4 of section 14-07.1-01 and the actor has a prior conviction for simple assault under this section or an assault offense under section 12.1-17-01.1 or 12.1-17-02 involving the commission of domestic violence as defined in subsection 2 of section 14-07.1-01. For purposes of this subdivision, a prior conviction includes a conviction of any assault offense in which a finding of domestic violence was made under a law or ordinance of another state which is equivalent to this subdivision.
 - c. A class B misdemeanor except as provided in subdivision a or b.

12.1-17-01.1. Assault.

A person is guilty of a class A misdemeanor, except if the victim is under the age of twelve years in which case the offense is a class C felony, if that person:

1. Willfully causes substantial bodily injury to another human being; or
2. Negligently causes substantial bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.

12.1-17-02. Aggravated assault.

1. Except as provided in subsection 2, a person is guilty of a class C felony if that person:
 - a. Willfully causes serious bodily injury to another human being;
 - b. Knowingly causes bodily injury or substantial bodily injury to another human being with a dangerous weapon or other weapon, the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury;
 - c. Causes bodily injury or substantial bodily injury to another human being while attempting to inflict serious bodily injury on any human being; or
 - d. Fires a firearm or hurls a destructive device at another human being.
2. The person is guilty of a class B felony if the person violates subsection 1 and the victim:
 - a. Is under twelve years of age;
 - b. Is a peace officer or correctional institution employee acting in an official capacity, which the actor knows to be a fact; or
 - c. Suffers permanent loss or impairment of the function of a bodily member or organ.

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12.1-17-03. Reckless endangerment.

A person is guilty of an offense if he creates a substantial risk of serious bodily injury or death to another. The offense is a class C felony if the circumstances manifest his extreme indifference to the value of human life. Otherwise it is a class A misdemeanor. There is risk within the meaning of this section if the potential for harm exists, whether or not a particular person's safety is actually jeopardized.

12.1-17-04. Terrorizing.

A person is guilty of a class C felony if, with intent to place another human being in fear for that human being's or another's safety or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious disruption or public inconvenience, or in reckless disregard of the risk of causing such terror, disruption, or inconvenience, the person:

1. Threatens to commit any crime of violence or act dangerous to human life; or
2. Falsely informs another that a situation dangerous to human life or commission of a crime of violence is imminent knowing that the information is false.

12.1-17-05. Menacing.

A person is guilty of a class A misdemeanor if he knowingly places or attempts to place another human being in fear by menacing him with imminent serious bodily injury.

12.1-17-06. Criminal coercion.

1. A person is guilty of a class A misdemeanor if, with intent to compel another to engage in or refrain from conduct, he threatens to:
 - a. Commit any crime;
 - b. Accuse anyone of a crime;
 - c. Expose a secret or publicize an asserted fact, whether true or false, tending to subject any person, living or deceased, to hatred, contempt, or ridicule, or to impair another's credit or business repute; or
 - d. Take or withhold official action as a public servant or cause a public servant to take or withhold official action.
2. It is an affirmative defense to a prosecution under this section that the actor believed, whether or not mistakenly:
 - a. That the primary purpose of the threat was to cause the other to conduct himself in his own best interest; or
 - b. That a purpose of the threat was to cause the other to desist from misbehavior, engage in behavior from which he could not lawfully abstain, make good a wrong done by him, or refrain from taking any action or responsibility for which he was disqualified.

12.1-17-07. Harassment.

1. A person is guilty of an offense if, with intent to frighten or harass another, the person:
 - a. Communicates in writing or by electronic communication a threat to inflict injury on any person, to any person's reputation, or to any property;
 - b. Makes a telephone call anonymously or in offensively coarse language;
 - c. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication; or
 - d. Communicates a falsehood in writing or by electronic communication and causes mental anguish.
2. The offense is a class A misdemeanor if it is under subdivision a of subsection 1 or subsection 4. Otherwise it is a class B misdemeanor.
3. Any offense defined herein and committed by use of electronic communication may be deemed to have been committed at either the place at which the electronic communication was made or at the place where the electronic communication was received.

39-08-01.4. Driving while under the influence of alcohol while being accompanied by a minor - Penalty.

It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.

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39-08-01.5. Partial suspension of sentence for drug court completion.

1. Notwithstanding section 39-08-01, all but ten days of the minimum mandatory sentence required for a defendant charged with a third or subsequent violation of section 39-08-01 may be suspended on the condition the defendant successfully completes a drug court program approved by the supreme court.
2. For purposes of this section, unless the context otherwise requires, "drug court program" means a district court-supervised treatment program approved by the supreme court which combines judicial supervision with alcohol and drug testing and chemical addiction treatment in a licensed treatment program. The supreme court may adopt rules, including rules of procedure, for drug courts and the drug court program.

39-08-02. Person conveying passengers not to engage drivers addicted to intoxicants - Penalty.

No person owning or having the direction or control of any vehicle for the conveyance of passengers in this state may employ or continue in the person's employment as a driver of such vehicle any person who is known to the actor to be addicted to a controlled substance or given to the excessive use of controlled substances or intoxicating liquors. Any person violating the provisions of this section is guilty of an infraction and is liable for all damages sustained by reason of such violation.

39-08-03. Reckless driving - Aggravated reckless driving - Penalty.

Any person is guilty of reckless driving if the person drives a vehicle:

1. Recklessly in disregard of the rights or safety of others; or
2. Without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another.

Except as otherwise herein provided, any person violating the provisions of this section is guilty of a class B misdemeanor. Any person who, by reason of reckless driving as herein defined, causes and inflicts injury upon the person of another, is guilty of aggravated reckless driving, and is guilty of a class A misdemeanor.

39-08-03.1. Exhibition driving and drag racing - Definitions - Penalty.

1. No person may engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area, nor may any person engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. Any person who violates this section by engaging in an act defined by subdivision b of subsection 2 must be assessed a fee of fifty dollars. Any person who violates this section by engaging in an act defined by subdivision a or c of subsection 2 must be assessed a fee of one hundred dollars.
2. As used in this section:
 - a. "Drag race" means the operation of two or more vehicles from a point side by side by accelerating rapidly in a competitive attempt to cause one vehicle to outdistance the other; or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.
 - b. "Exhibition driving" means driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon

Penalties by Classification of Offense

12.1-32-01. Classification of offenses - Penalties. Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:

1. **Class AA felony** - maximum - life imprisonment without parole
The court must designate whether the life imprisonment sentence imposed is with or without an opportunity for parole.
2. **Class A felony** – maximum - 20 years, a fine of \$20,000, or both
3. **Class B felony** – maximum - 10 years, a fine of \$20,000, or both
4. **Class C felony** – maximum - 5 years, a fine of \$10,000, or both
5. **Class A misdemeanor** – maximum – 360 days, a fine of \$3,000, or both
6. **Class B misdemeanor** - maximum - 30 days, a fine of \$1,500 or both
7. **Infraction** - \$1,000 fine

Driver charged in Grand Forks high-speed chase

By Forum staff reports on Nov 18, 2018 at 5:50 p.m.

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GRAND FORKS — On Saturday, Nov. 17, officers tried to pull over a vehicle about 11:55 p.m. after it failed to stop at a red light at the intersection of Campbell Drive and South Washington Street.

The vehicle proceeded to go through multiple stop lights and stop signs, according to the release.

During the chase, the vehicle struck the porch of a residence and hit a stopped patrol vehicle in the area. The driver of the vehicle parked in an alley on South 10th Street, where he fled on foot.

Officers were able to track the suspect, identified as Cory Hanson, through shoeprints in the snow.

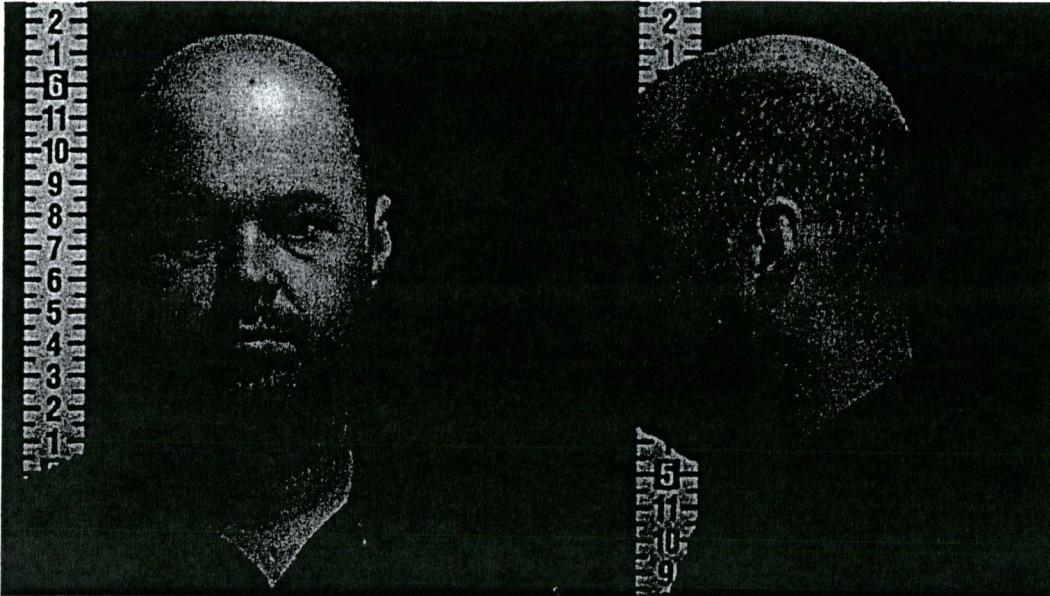
Hanson was transported to the Grand Forks County Correctional Center and was charged with driving under the influence, reckless endangerment, reckless driving, preventing arrest, leaving the scene of an accident on two occasions and fleeing in a motor vehicle.

No one was injured in the incident and the investigation is ongoing. Anyone with information is asked to contact Grand Forks police.

ND Highway Patrol arrests Nebraska man after high speed chase

By Robin Huebner on Apr 22, 2018 at 6:26 p.m.

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Daniel Rosseter, 32, of Omaha, Neb.

FARGO—The North Dakota Highway Patrol was involved in its second high speed chase in this area in a matter of hours.

The Patrol said it received a complaint of a reckless driver just after 11:30 p.m. on Saturday, April 21.

A trooper located the vehicle, traveling over 110 mph on eastbound Interstate 94 near Casselton, N.D.

The trooper tried to stop the 2006 Honda CR-V, but the driver kept going.

Troopers used a spike strip tire deflation device to disable the vehicle near the Mapleton exit after a 20 mile pursuit.

Daniel Rosseter, 32, of Omaha, Neb. was taken into custody for fleeing a police officer and reckless driving.

There were no injuries.

Earlier in the day Saturday, the Patrol arrested a driver following a 25-mile-long chase that reached a top speed of 106 mph.

That pursuit, which began around 1:50 p.m., on northbound Highway 18, south of Casselton, ended at Sanford Medical Center in Fargo.

Joshua Wolters, 21, of Enderlin, N.D., was arrested on charges of DUI, driving under suspension, fleeing a police officer and reckless driving.

BREAKING NEWS

Major winter storm wreaks havoc on travel

Man arrested following high-speed pursuit on US Highway 83 in McLean County

WASHBURN – A 29-year-old West Fargo man was arrested and is being held in the McLean County Detention Center following a pursuit by county officers when the man was driving the wrong way on the one-way roadway at speeds near 100 mph Tuesday night.

According to a news release from the McLean County Sheriff's Department, at about 10:22 p.m. Tuesday, the McLean County Law Enforcement Center received several 911 calls from the public concerning a reckless driver traveling at a high rate of speed going south on the northbound roadway of U.S. Highway 83, near Coleharbor.

The vehicle, a 1997 Mercury Cougar passenger vehicle, was encountered by units of the McLean County Sheriff's Department near the Riverdale turn-off where the driver refused to stop. The vehicle continued traveling the wrong way on the one-way roadway at speeds near 100 mph. Additional responding units attempted to stop and warn approaching traffic until tire spike-strips could be deployed in the Falkirk area.

Following the successful spike-strip deployment, the vehicle continued in the same manner until the driver lost control in Washburn proper. The car entered the ditch, struck a delineator post and adjacent fence. The vehicle became disabled and the driver, Justin Gladue of West Fargo, was taken into custody following a Taser deployment.

Gladue is being held in the McLean County Detention Center on several driving, conduct and drug-related offenses as well as for outstanding warrants for his arrest.

A female passenger in the vehicle, Ravan Ware, 23, address unknown, was detained and taken to a Bismarck hospital for examination and later served outstanding warrants for her arrest.

The North Dakota Highway Patrol and Washburn Ambulance Service assisted at the scene.

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https://bismarcktribune.com/news/local/crime-and-courts/high-speed-chase-ends-at-casino/article_a9c183e7-21cd-59ba-bb78-457a03384903.html

High speed chase ends at casino

JACK DURA Bismarck Tribune Dec 1, 2017

TRY 1 MONTH FOR 99¢

Officers from four agencies scrambled over State Highway 1806 Thursday morning in pursuit of a fleeing vehicle whose driver now faces a raft of charges.

Matthew Ford Mize, 34, of Minot, is charged with seven offenses, including felony counts of reckless endangerment and fleeing or attempting to elude a police officer as well as misdemeanor counts of false reports to law enforcement, fleeing or attempting to elude a police officer, reckless driving, driving under suspension and possession of marijuana.

Morton County sheriff's deputies took up the chase after 8:30 a.m. Thursday when Mandan Police ended their pursuit southbound on Highway 1806.

Court documents say Mize continued to flee from deputies, even after losing control on gravel and sliding into a ditch. Morton County reported he fled at speeds up to 80 to 90 mph.



Advertisement(1 of 1): 0:29

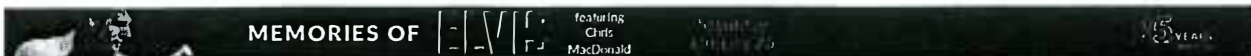
Officers successfully spiked Mize's tires, but he allegedly continued to flee even with just rims on his front wheels.

North Dakota Highway Patrol and the Bureau of Indian Affairs also joined the pursuit, which ended near Prairie Knights Casino. A vehicle search reportedly yielded a small amount of marijuana in a backpack.

Mandan Police originally tried to pull Mize over for driving a suspicious vehicle before he allegedly fled out of city limits.

He is held at the Burleigh-Morton County Detention Center, pending \$10,000 cash bond.

Reach Jack Dura at [701-250-8225](tel:701-250-8225) or jack.dura@bismarcktribune.com.



Deputy was allegedly dragged by car before high-speed chase in Grand Forks

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Tess Williams on Dec 18, 2018 at 1:56 p.m.

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Amanda Marie Marzolf

A Grand Forks woman is facing charges stemming from an incident in which she allegedly dragged an officer a short distance with her car before leading police on a high-speed chase.

Amanda Marie Marzolf, 26, is facing felony charges for fleeing police, reckless endangerment and simple assault. If convicted, she could face up to five years in prison for each charge.

A deputy was on his way to serve a warrant to a Haley Lanes on Dec. 10 and saw her get into a car with two other women, an affidavit said.

When the deputy approached and told Lanes to get out of the car's backseat she leaned toward the middle of the vehicle and held on, according to a court document. The deputy began to pull Lanes from the car, but the driver, Marzolf, abruptly accelerated, the affidavit said.

The deputy was dragged a short distance and knocked to the ground, according to the affidavit. He said his left shoulder, hip, hand and knee hurt and his knee was bruised.

Deputies called off a chase because of high speeds and said Marzolf ran multiple stop signs, nearly hit several vehicles and entered a school zone.

Affidavit said Marzolf had an active warrant and she has previously faced drug-related charges.

Both Lanes and Marzolf are facing misdemeanor charges for refusal to halt. Marzolf is scheduled to enter a plea on Jan. 22.

Man accused of leading high-speed chase with infant in

114

By Tess Williams on Dec 26, 2018 at 10:59 a.m.

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iStock.com/Chalabala

A Fort Totten, N.D., man is facing a felony charge after allegedly knocking over an officer and leading police on a high-speed chase while an infant was in his car.

A criminal complaint said Dylan James Herman fled when a Devils Lake police officer tried to stop him in the Leever's South parking lot Dec. 17. Herman allegedly sped away in a 2006 Chevy Impala and knocking over the officer, who was standing next to the car.

An infant about 6 months old was in the back of the car in a baby carrier that was not secured in place, the complaint said.

Herman hit speeds of over 100 mph as he drove south on North Dakota Highway 20, and police stopped the chase near Spirit Lake Casino because of concerns for public safety and the infant, the complaint said.

Herman's license was suspended during the chase. He's facing a felony reckless endangerment charge and misdemeanor charges for fleeing, false reports to police and driving under suspension. He could spend up to five years in prison for the felony charge.

Charges were filed Friday in Ramsey County, but Herman had not been arrested as of Wednesday morning.

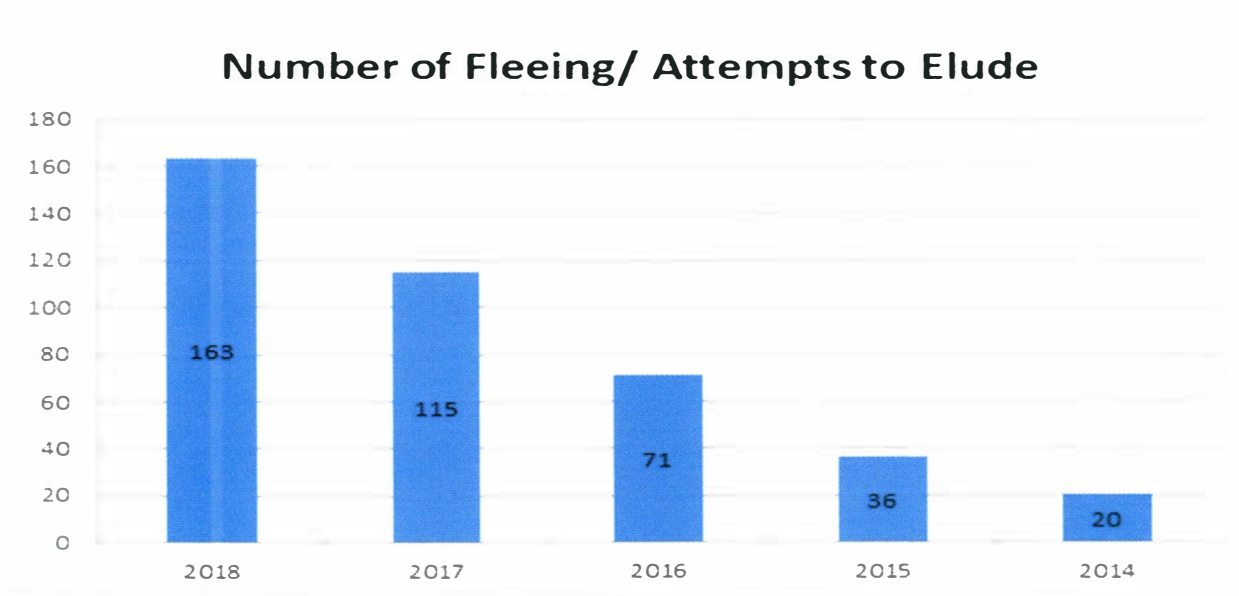
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Chairman Koppleman and members of the Judiciary Committee,

For the record, my name is Jeff Solemsaas. I am a Lieutenant with the Bismarck Police department and have been in law enforcement for 26 years. I am here to voice support of House bill 1296. As a part of my duties I have complied and conducted an analysis numbers of people fleeing in motor vehicles from the officers of the Bismarck Police Department and have done so for the last 6 years.

I can explain from firsthand knowledge that the occurrence fleeing in a motor vehicle has grown exponentially in the last several years. For some brief background, the Bismarck Police department is required to track and document all instances in which a driver flees from an officer when a traffic stop is attempted. Our current policy is somewhat restricted in that officers are only allowed to engage in a vehicle pursuit in limited circumstances. Because of our accreditation status we also track the circumstances involved in each of those occurrences.

When I first started to compile the statistics I noted that there were 20 instances in 2014 in which the driver of a vehicle fled from officers. In 2018 that number has increased to 163 instances. In just the last year the number increased from 2017 in which there were 115 occurrences, a 41% increase. The chart that I've attached below demonstrates the increase in the number of vehicles fleeing from our officers.



In preparation for this hearing I also gather a small portion of video from the departments in car camera system. The videos that you see today are only a small portion of what the officers are seeing on an ever increasing occurrence. The videos also do not indicate the harmful and dangerous effect that the drivers of fleeing vehicles place on officers and unsuspecting member of the community. Too many times the driver of the fleeing vehicle places.

Since the time that I have been compiling the data I noted that there have been 4 incidents in which an officer of civilian have been injured by the driver of the fleeing vehicle. I also found that there have been

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20 instances in which the driver of the fleeing vehicle has damaged either city or privately owned property as result of their actions. These are all from collisions that the fleeing driver has been involved in. Unfortunately we have not tracked the number of collisions that occur because of the driving of the fleeing operator but I know of several occasions in which another driver not involved in the incident have tried to take an evasive action because of the fleeing drivers manner of operation and have been involved in collisions.

The driver of the fleeing vehicle is not only fleeing from a traffic citation. In 2018 there were 21 (13%) instances in which the driver fled in a motor vehicle because of a criminal violation. Obviously the largest numbers of drivers are fleeing because of a traffic violation but there is often the unanswered question of who the driver is and why are they fleeing. Because of our policy we will likely never know the answer to that question.

The drivers of fleeing vehicle are clearly placing the lives of public and law enforcement at risk because of the manner in which they are driving to flee from officers. There is the believe that the consequences of fleeing in a motor vehicle are not sufficient to deter a driver from fleeing, "even if I'm caught nothing will happen to me", is the common feeling.

I urge you to support House bill 1296 and hold the drivers of fleeing responsible for their reckless and dangerous behavior.

Good morning Chairman Koppleman and committee members
– I'm Steven Rohrer, and I am the Sheriff in Benson County.

I am a member of the North Dakota Sheriffs and Deputies Association which supports House Bill 1296. This isn't just a problem in the urban areas.

Fleeing incidents are on the rise in my rural part of the state as well. Benson County has a population of 7,000 people. Since November 14th 2018, we have had 10 incidents that have involved an individual fleeing law enforcement at high speeds.
(Summarize incidents or talk about one incident as an example)

In my 25 years in law enforcement I can with all certainty tell you the number of fleeing incidents has increased.
These incidents put the public in danger and the officer's safety at risk as well. A greater penalty may serve as a deterrent.

Does anyone have any questions?

When you begin to address the committee or answer questions – address the chairman first.

When a legislator asks a question – address the chairman first followed by the representative or senator who asked the question.

Lake Region Law Enforcement Center

222 Walnut Street West
Lake, ND 58301

Calls For Service Detail Page

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Print Date : **01/18/2019**

Event # **1811140067**

Date : 11/14/2018	Day : Wednesday	Time : 21:05:23	Dispatcher ID : CMV	Agency : BCSO	Source: P
Beat :	Sector :	District : 03	Incident #		
Fire # :	Med # :	Other Inc. #1		Other Inc. #2	
Address : HWY 281/ HWY 57					
Location : HWY 281/ HWY 57					
City : FT TOTTEN		County : BENSON		State: ND	

REPORTING PARTY INFORMATION

Name : FT TOTTEN, POLICE / /
Location :
Phone : 701 766-4231
Requests Contact : N

RESPONSE INFORMATION

Unit : Ethan Rode	Unit :	Total Consumed Minutes of all associated Units : 1
Officer ID : ERODE Ethan Rode	Officer ID :	
Dispatch Time : 11/14/2018 21:05:57 <i>9:57 PM</i>	Dispatch Time :	
Enroute Time : 11/14/2018 21:11:04	Enroute Time :	
Arrive Time :	Arrive Time :	Dispatch ID : CMV
Clear Time : 11/14/2018 21:11:06	Clear Time :	

CALL DETAILS

Call Type : ASSISTAN Assistance	Priority : 0
--	---------------------

Description :

FT TOTTEN PD REQUESTING ASSISTANCE AND SPIKE STRIPS. BIA CURRENTLY IN A PURSUIT OF A 2006 PONTIAC GRAND PRIX ND/LIC 996CEV. VEHICLE JUST TURNED EAST ONTO HWY 57 AT ABOVE INTERSECTION AND IS EASTBOUND AT APPROX 80 MILES PER HOUR.

PURSUIT ENDED NEAR FT TOTTEN, ASSISTANCE NO LONGER NEEDED.

Disposition : **TKO Taken Care Of (Closed)**

Comments :

EMD Code:



Lake Region Law Enforcement Center

222 Walnut Street West
Devils Lake, ND 58301

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Print Date : **01/18/2019**

Event # **1811210002**

Date : 11/21/2018	Day : Wednesday	Time : 00:30:38	Dispatcher ID : SMB	Agency : DLPD	Source : O
Beat :	Sector :	District : 36	Incident #		
Fire # :	Med # : 1851	Other Inc. #1		Other Inc. #2	

Address : **DL**
Location : **ARMOUR ST S BND**
City : **DEVILS LAKE**

County : **RAMSEY**

State: **ND**

REPORTING PARTY INFORMATION

Name :

Location :

Phone :

Requests Contact : **N**

RESPONSE INFORMATION

Unit : Lake Region Amb	Unit : Andrew Johnson	Total Consumed Minutes of all associated Units : 153
Officer ID :	Officer ID : AJOHNS Andrew Johnson	
Dispatch Time : 11/21/2018 01:17:57 AM	Dispatch Time : 11/21/2018 00:30:38	
Enroute Time : 11/21/2018 01:19:08	Enroute Time :	Dispatch ID : SMB
Arrive Time : 11/21/2018 01:40:13	Arrive Time : 11/21/2018 00:30:38	
Clear Time : 11/21/2018 02:35:16	Clear Time : 11/21/2018 02:14:16	

CALL DETAILS

Call Type : **VEHSTOP Vehicle Stop**

Priority : **8**

Description :

License Plate: PROZ41 / ND

Location: DL

Comment: NO STOPPING

0031 PD10- HWY 20 SOUTH BOUND

0031 PD10- REQUEST FT TOTTEN CONTACTED

0032 PD10- HWY 20 DIKE 90 MPH

0032 PD10- PASSING ACORN RIDGE 100 MPH

0034 PD10- COMING UP CASINO

0035 PD10- BIA TAKING LEAD, HE'S FOLLOWING.

0038 BIA COMING INTO FT TOTTEN, SPEEDS AT 100 MPH.

0040- 4535 REQUESTED 4122 BE CONTACTED

0040- BIA CROW HILL HOUSING TURN, SOUTH BND

0041- BIA COMING UP OF GRAVEL SOUTH OF BIA 8

0043- CALLED FT TOTTEN- TO GET LOCATION, EST BOUND 35 ST NE

0044- EST BOUND ON 35 ST NE FROM 70 AVE NE

0046- BIA VEHICLE 10-50

0048- CONTACTED FT TOTTEN PD: **VEHICLE CRASHED** 35 ST NE 73 AVE AT THE CURVE

0116- FT TOTTEN PD- RQST LR AMB FOR MALE C/O BACK PAIN.

LR AMB TRANSPORTED 1 TO CHI. **SL AMB TRANSPORTED 1 TO CHI.**



Lake Region Law Enforcement Center

222 Walnut Street West
Devils Lake, ND 58301

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Print Date : **01/18/2019**

Event # **1812170018**

Date : 12/17/2018	Day : Monday	Time : 13:22:34	Dispatcher ID : SCK	Agency : DLPD	Source : P
Beat :	Sector :	District : 36	Incident #		
Fire # :	Med # :	Other Inc. #1		Other Inc. #2	

Address :

Location : **12 AVE SE HWY 2**

City : **DEVILS LAKE**

County : **RAMSEY**

State : **ND**

REPORTING PARTY INFORMATION

Name : **LORDSON, JOSEPH 09/10/1988**

Location : **12 AVE SE**

Phone : **701 230-9007**

Requests Contact : **N**

RESPONSE INFORMATION

Unit : Erin Bonney	Unit : Nickolas Holter	Total Consumed Minutes of all associated Units : 31
Officer ID : EBONNE Erin Bonney	Officer ID : NHOLTE Nickolas Holter	
Dispatch Time : 12/17/2018 13:24:24	Dispatch Time : 12/17/2018 13:26:14	
Enroute Time :	Enroute Time :	
Arrive Time :	Arrive Time : 12/17/2018 13:26:57	Dispatch ID : SCK
Clear Time : 12/17/2018 13:39:25	Clear Time : 12/17/2018 13:48:18	

CALL DETAILS

Call Type : **TRAFFIC Traffic Violations**

Priority : **0**

Description :

REPORTS: ND LIC 928APU MAR IMPALA IS DRIVING SUSPICIOUSLY. STATES IT IS DRIVING VERY SLOW AND MAKING EXTENDED STOPS AT STOP SIGNS.

~~1323 PURSUIT OF VEHICLE~~

~~1324 PASSING EDS BAITSHOP SPEEDS AT 100~~

~~1326 CASINO~~

~~1328 NO LONGER CAN SEE VEHICLE~~

Vehicle Stop

Time: 13:26:59 / Unit: NHOLTE

License Plate: 928APU / ND / PC

Location: LEEVERS S

Comment:

Disposition : **TKO**

Taken Care Of (Closed)

EMD Code:

Comments :



Lake Region Law Enforcement Center

222 Walnut Street West
Devils Lake, ND 58301

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Print Date : **01/18/2019**

Event # **1901060045**

Date : 01/06/2019	Day : Sunday	Time : 20:43:23	Dispatcher ID : LAC	Agency : DLPD	Source : P
Beat :	Sector :	District : 36	Incident #		
Fire # :	Med # :	Other Inc. #1		Other Inc. #2	

Address : **800 BLK 10 ST NE**
Location : **800 BLK 10 ST NE**
City : **DEVILS LAKE** County : **RAMSEY** State : **ND**

REPORTING PARTY INFORMATION

Name : **HOLTER, NICKOLAS 12/09/1983**

Location : **800 BLK 10 ST NE**

Phone : Requests Contact : **N**

RESPONSE INFORMATION

Unit : Corey Gilbertson	Unit : Chad Engen	Total Consumed Minutes of all associated Units 314
Officer ID : CGILBE Corey Gilbertson	Officer ID : CENGEN Chad Engen	
Dispatch Time : 01/06/2019 20:45:27	Dispatch Time :	
Enroute Time :	Enroute Time :	
Arrive Time : 01/06/2019 20:51:19	Arrive Time : 01/06/2019 20:56:43	Dispatch ID : LAC
Clear Time : 01/06/2019 23:21:57	Clear Time : 01/06/2019 22:11:49	

CALL DETAILS

Call Type : **INFORMAT Information** Priority : **0**

Description :

RP CALLED IN A POSSIBLE 10-55 DRIVING IRRATICALLY

DOG RAN FROM VEHICLE YELLOW LAB

ARREST: MICHAEL ELLISON

CHARGE: DUI/FLEEING

Disposition : **ARR Subject Arrested**

EMD Code:

Comments :



Lake Region Law Enforcement Center

222 Walnut Street West
Devils Lake, ND 58301

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Print Date : **01/18/2019**

Event # **1901070014**

Date : 01/07/2019	Day : Monday	Time : 10:54:03	Dispatcher ID : PAL	Agency : DLPD	Source : O
Beat :	Sector :	District : 36	Incident #		
Fire # :	Med # :	Other Inc. #1		Other Inc. #2	

Address : **EDS SOUTH BOUND**

Location : **1600 BLK HWY 20 S**

City : **DEVILS LAKE**

County : **RAMSEY**

State : **ND**

REPORTING PARTY INFORMATION

Name :

Location :

Phone :

Requests Contact : **N**

RESPONSE INFORMATION

Unit : Bryce Masset	Unit : Nickolas Holter	Total Consumed Minutes of all associated Units 106
Officer ID : BMASSE Bryce Masset	Officer ID : NHOLTE Nickolas Holter	
Dispatch Time : 01/07/2019 10:54:03	Dispatch Time : 01/07/2019 10:58:45	
Enroute Time :	Enroute Time : 01/07/2019 10:58:46	
Arrive Time : 01/07/2019 10:54:03	Arrive Time : 01/07/2019 11:03:06	Dispatch ID : PAL
Clear Time : 01/07/2019 11:46:52	Clear Time : 01/07/2019 11:22:33	

CALL DETAILS

Call Type : **VEHSTOP Vehicle Stop**

Priority : **8**

Description :

License Plate: **228AVK / ND**

Location: **EDS SOUTH BOUND**

Comment:

NOT STOPPING HEADING SOUTH BOUND ON HWY 20

10:54 - MP 101 **55 MPH**

10:55 - CAMPGRAFTON **60 MPH**

10:55 - MP 100 **55 MPH**

10:56 - MP 99 STILL HEADING SOUTH BOUND

10:56 - CAMP GRAFTON **58 MPH**

10:57 - VEHICLE PULLED OVER

ARREST : **JOEL WAGNER**

CHARGE : **DUR - FLEEING IN MV**

Disposition : **ARR Subject Arrested**

EMD Code:

Comments :



Lake Region Law Enforcement Center

222 Walnut Street West
Devils Lake, ND 58301

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Print Date : **01/18/2019**

Event # **1901120011**

Date : 01/12/2019	Day : Saturday	Time : 10:37:44	Dispatcher ID : SKR	Agency : DLPD	Source: O
Beat :	Sector :	District : 36	Incident #		
Fire # :	Med # :	Other Inc. #1		Other Inc. #2	
Address : 1200 BLK HWY 20 SE					
Location : 1200 BLK HWY 20 SE					
City : DEVILS LAKE		County : RAMSEY		State: ND	

REPORTING PARTY INFORMATION

Name :	
Location :	
Phone :	Requests Contact : N

RESPONSE INFORMATION

Unit : Bryce Masset	Unit : Ft Totten PD	Total Consumed Minutes of all associated Units : 360
Officer ID : BMASSE Bryce Masset	Officer ID :	
Dispatch Time : 01/12/2019 10:37:44	Dispatch Time : 01/12/2019 10:52:41	
Enroute Time :	Enroute Time :	
Arrive Time : 01/12/2019 10:37:44	Arrive Time : 01/12/2019 11:04:27	Dispatch ID : SKR
Clear Time : 01/12/2019 13:37:39	Clear Time : 01/12/2019 11:51:05	

CALL DETAILS

Call Type : **VEHSTOP Vehicle Stop** Priority : **8**

Description :

License Plate: / ND

Location: HWY 20

Comment: NOT STOPPING

1038- PASSING EDS BAIT SHOP

1038 -SPEEDS 80 MPH

1039- DLPD 18 FIRST VEHICLE, DLPD 14 2ND VEHICLE

1039- MODERATE TRAFFIC

1040- SPEEDS 101

1041- PASSING HWY 20/ 57 SPEEDS 90 MPH

1042- PASSED ST MICHAEL TURN OFF, SPEEDS 90 MPH

1043-PASSING BIA 15 SPEEDS 100 MPH, ROAD CONDITIONS MODERATE, 1044-TRAFFIC LIGHT

1044-PASSING SULLY'S HILL

1045-BIA TAKES LEAD, DLPD 18 SECOND VEHICLE, DLPD 14 3RD VEHICLE

1045- COMING INTO FT TOTTEN

1046-PASSING FOUR WINDS SCHOOL

1049-SOUTH BOUND MM 2, SPEEDS 90-100

1050-WB BIA 8, SPEEDS 90-100 MPH

1052- BACK ON HWY 57 TURNED EAST BOUND, SPEEDS 90-100 MPH

1053-EAST BOUND PASSING FOUR WINDS SCHOOL



**Lake Region
Law Enforcement Center**

228 Walnut Street West
Lake, ND 58301

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Print Date : **01/18/2019**

Event # **1901150041**

Date : 01/15/2019	Day : Tuesday	Time : 19:17:06	Dispatcher ID : LAC	Agency : HP	Source: P
Beat :	Sector :	District :	Incident #		
Fire # :	Med # :	Other Inc. #1		Other Inc. #2	

Address : **HWY 2 8TH AVE**

Location : **HWY 2 / 8TH AVE**

City : **DEVILS LAKE**

County : **RAMSEY**

State: **ND**

REPORTING PARTY INFORMATION

Name :

Location :

Phone :

Requests Contact : **N**

RESPONSE INFORMATION

Unit : Brett Mlynar	Unit :	Total Consumed Minutes of all associated Units : 83
Officer ID : BMLYNA Brett Mlynar	Officer ID :	
Dispatch Time : 01/15/2019 19:19:49	Dispatch Time :	
Enroute Time :	Enroute Time :	
Arrive Time : 01/15/2019 19:32:06	Arrive Time :	Dispatch ID : LAC
Clear Time : 01/15/2019 20:41:50	Clear Time :	

CALL DETAILS

Call Type : **INFORMAT Information**

Priority : **0**

Description :

HP CALLED IN TO ADVICE A ~~STOLEN VEHICLE~~ WAS HEADED TOWARDS DEVILS LAKE.

TURNED INTO A PURSUIT.

REFERENCE # 1901150042

Disposition : **RPT**

Report Taken

EMD Code:

Comments :



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Print Date : **01/18/2019**

Event # **1812110013**

Date : 12/11/2018	Day : Tuesday	Time : 07:54:01	Dispatcher ID : SKR	Agency : RCSO	Source : 0
Beat :	Sector :	District : 36	Incident #		
Fire # :	Med # :	Other Inc. #1		Other Inc. #2	

Address :

Location : **DEVILS LAKE AREA**

City : **DEVILS LAKE**

County : **RAMSEY**

State : **ND**

REPORTING PARTY INFORMATION

Name :

Location :

Phone : **701**

Requests Contact : **N**

RESPONSE INFORMATION

Unit : Jennifer Dvorak	Unit : Kyle Mlynar	Total Consumed Minutes of all associated Units : 60
Officer ID : JDVORA Jennifer Dvorak	Officer ID : KMLYNA Kyle Mlynar	
Dispatch Time : 12/11/2018 07:54:16	Dispatch Time : 12/11/2018 07:57:16	
Enroute Time :	Enroute Time :	Dispatch ID : SKR
Arrive Time : 12/11/2018 07:57:20	Arrive Time : 12/11/2018 08:00:41	
Clear Time : 12/11/2018 08:24:04	Clear Time : 12/11/2018 08:46:13	

CALL DETAILS

Call Type : **ASSISTAN Assistance**

Priority : **0**

Description :

BOLO STOLEN VEHICLE FROM DEVILS LAKE ND/LIC 996BYL RED 2004 FORD ESCAPE.

Vehicle Stop

Time: 08:03:13 / Unit: KMLYNA

License Plate: 996BYL / ND / PC

Location: 92 AVE HWY 2

Comment:

0803 HP303- ATTEMPTED TRAFFIC STOP 92 AVE S CRARY

0804- HP303 VEHICLE NORTH BOUND THROUGH CRARY

0806- HP303 EST BOUND CO RD 2

0807- HP303 SPEEDS 105 MPH

0808 HP303 96 AVE (CO RD 4) FROM CO RD 2

0809 HP 303 SPEEDS 90 MPH

0813 HP303 96 AVE S HWY 2, SPEEDS 88 MPH

0819 HP303 TERMINATED PURSUIT, HIT RESERVATION LINE. VEHICLE LAST SEEN 33 ST NE 94

NE S BND

0820- ADVISED 4530 PER 4532

BIA/BSCO LOCATED 2 SUBJECTS WALKING, VEHICLE IN HAMAR SOUTH OF THE BAR. VEHICLE RAN



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Print Date : 01/18/2019

Event # 1812230041

Date : 12/23/2018	Day : Sunday	Time : 22:02:34	Dispatcher ID : SMB	Agency : RCSO	Source : O
Beat :	Sector :	District : 36	Incident #		
Fire # :	Med # :	Other Inc. #1		Other Inc. #2	

Address :

Location : RAMSEY CO

City :

County : RAMSEY

State : ND

REPORTING PARTY INFORMATION

Name :

Location :

Phone :

Requests Contact : N

RESPONSE INFORMATION

Unit : Sam Valdez	Unit :	Total Consumed Minutes of all associated Units : 187
Officer ID : SVALDE Sam Valdez	Officer ID :	
Dispatch Time : 12/23/2018 22:02:34	Dispatch Time :	
Enroute Time :	Enroute Time :	
Arrive Time : 12/23/2018 22:02:34	Arrive Time :	Dispatch ID : SMB
Clear Time : 12/24/2018 01:08:39	Clear Time :	

CALL DETAILS

Call Type : ASSISTAN Assistance

Priority : 5

Description :

BOLO STOLEN VEHICLE ND/LIC 748BVG FROM TRAILL CO

REF EVENT# 1812230040 & 1812230047

2218 HP319-BEHIND VEHICLE HWY 2 EST HEFTI REST AREA

2218 4535- VEHICLE NORTH BOUND 89 AVE NE

2220 4535- TAIL LIGHTS TO THE WEST OF 89 AVE NE

2221 4535- REQUESTED 4530 BE CONTACTED

2223 HP319 OUT WITH VEHICLE 88 AVE NE 45 ST NE

2226 HP319- DRIVER FLED SOUTH BOUND TOWARD HWY 2

2228 HP319 DRIVER FLED SOUTH AND WEST TOWARD VINING OIL

2237 HP319 REQUESTED COWBOYS TOWING

2305- 4535- PURSUIT SILVER GMC SIERRA TOOL BOX IN THE BACK, HWY 2 EST BND HEFTI REST AREA. VEHICLE PULLED OUT OF VINING OIL

2306- 4535- VEHICLE POSSILBY HEADED BACK EAST BOUND OR SOUTH BOUND WOODS RUTTEN WOOD

2314- ADVISED FT TOTTEN PD.

NELSON CO STOPPED GRN CHEVY SILVERADO HWY 1 MM 159.

REF EVENT# 1812230042



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Lake, ND 58301

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Print Date : **01/18/2019**

Event # **1812230042**

Date : 12/23/2018	Day : Sunday	Time : 22:05:23	Dispatcher ID : SMB	Agency : NCSO	Source : O
Beat :	Sector :	District : 32	Incident #		
Fire # :	Med # :	Other Inc. #1		Other Inc. #2	

Address :

Location : **NELSON CO**

City :

County : **NELSON**

State: **ND**

REPORTING PARTY INFORMATION

Name :

Location :

Phone :

Requests Contact : **N**

RESPONSE INFORMATION

Unit : Lakota Amb	Unit : Jesse Madche	Total Consumed Minutes of all associated Units :
Officer ID :	Officer ID : JMADCH Jesse Madche	103
Dispatch Time : 12/23/2018 23:49:58	Dispatch Time : 12/23/2018 23:44:18	
Enroute Time : 12/23/2018 23:56:07	Enroute Time : 12/23/2018 23:44:19	
Arrive Time : 12/24/2018 00:03:02	Arrive Time : 12/23/2018 23:49:40	Dispatch ID : SMB
Clear Time : 12/24/2018 00:47:15	Clear Time : 12/24/2018 01:09:49	

CALL DETAILS

Call Type : **ASSISTAN Assistance**

Priority : **5**

Description :

BOLO POSSIBLE STOLEN VEHICLE ND) 748BVK FROM TRAILL CO

REF EVENT# 1812230040, 1812230041 & 1812230047

2305-ADVISED 4481 OF 94 SILVER CHEVY SILVERADO TRUCK WITH TOOL BOX IN THE BACK, TAKEN FROM VINING OIL.

Vehicle Stop

Time: 23:34:23 / Unit: SFALLO

License Plate: / ND / PC

Location: HWY 2 HWY 1 S BND

Comment: PURSUIT GRN CHEVY

2333- 4481- IN PURSUIT GRN CHEVY HWY 2 HWY 1 SOUTH BOUND

2334- 4481- VEHICLE STOPPED HWY 1 2 MI S LAKOTA (ACTUAL LOCATION HWY 1 MM 159)

2335- 4481- MALE OUT OF THE VEHICLE

2335- 4481- MALE BY SQUAD CAR ON HIS KNEES

2336-HP313- ENROUTE

2337- 4481- 83 MALE

2339- 4481- REQUEST UNIT, MALE HARMING HIMSELF IN BACK SEAT.

2343- 4481- MALE ON GROUND FIGHTING



19.0311.01001
Title.

Prepared by the Legislative Council staff for
the House Judiciary Committee
January 22, 2019

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PROPOSED AMENDMENTS TO HOUSE BILL NO. 1296

Page 1, line 14, after "while" insert "willfully"

Page 1, line 16, after "driver" insert "willfully"

Page 1, line 19, after "driver" insert "willfully"

Renumber accordingly

NORTH DAKOTA HOUSE OF REPRESENTATIVES



STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Corey Mock

District 18
P.O. Box 12542
Grand Forks, ND 58208-2542
C: 701-732-0085
crmack@nd.gov

COMMITTEES:
Appropriations

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To: Chairwoman Diane Larson and Members of the Senate Judiciary Committee

Date: March 18, 2019

Support Testimony for HB 1296 -- Enhanced Fleeing

Good morning, Madam Chair and members of the committee. My name is Corey Mock, representative for District 18 in Grand Forks, ND, and I am here today as one of the sponsors of HB 1296.

On the morning of Thursday, August 2nd of last year, I inadvertently found myself as one of the first people on the scene of a single car crash near St. Mary's Catholic Church and Early Childhood Educational Center in downtown Grand Forks. The vehicle was severed in half after barreling into a large oak tree, spreading debris across church property and into adjacent yards.

While the loss of the driver's life is tragic, parents who would be soon dropping off their children are immensely fortunate this crash did not occur two hours later.

At 5:15 am, the driver refused to stop and engaged in a high-speed evasion of the Grand Forks police officer. As this 33-year old driver neared downtown, police said he "rapidly accelerated and turned off his headlights, in further attempts to elude the officer."

Police terminated the pursuit because of the danger this chase posed to the public. Shortly after the pursuit was called off, however, dispatch was notified that the car had crashed into a tree, causing extreme damage and ultimately ejecting the driver from the vehicle, who died at the scene.

Madam Chair and committee members, I wish I could tell you this was an anomaly in Grand Forks. I'd like to tell you that news of high-speed pursuits are so rare they're treated as "breaking news." Like so many communities across the state, however, news of pursuits have become a regular feature.

HB 1296 was drafted at the request of law enforcement officers in the Grand Forks area. And I want to take the moment to mention that we were not the only community working on legislation for the 2019 session.

Chairwoman Larson and Rep. Pat Heinert -- both of Bismarck -- had drafted similar legislation that created a felony charge for fleeing law enforcement in a motor vehicle. Consensus among bill sponsors, law enforcement, and states attorneys suggested the language before you delivered an appropriately tiered charge based on the severity of a pursuit.

Several law enforcement agencies and judicial associations testified and worked in support of this legislation on the House side, and some may be here to testify today. In a moment I hope you'll afford them the opportunity to share their experiences and rationale behind HB 1296.

Before I turn it over to questions and subsequent testimony, however, I would like to share some additional information that we used in drafting this bill.

Attached to this testimony you'll find a list of enhanced charges from 14 other states along with a summary of North Dakota's current law. This is not a comprehensive list of all states with enhanced or tiered charges, but a sample compiled by NCSL and used by sponsors as we explored options for an aggravated fleeing statute.

The next pages include a copy of current assault charges from North Dakota's criminal code (Title 12.1-17) and our reckless driving charges (Title 39-08-03). I'll reference the criminal code during the explanation of the bill and you may be interested in reviewing the reckless driving statute as you consider current charges law enforcement has available to them in these cases. Finally, I have the classification of offenses and a sample of news stories that provide recent fleeing examples.

Currently, any driver fleeing or eluding arrest may only be charged with a class A misdemeanor, unless it's a subsequent offense within three years.

Section 1 amends current penalties for fleeing or attempting to elude a peace officer, ultimately creating felony level charges if risk of death or serious bodily injury occur as a result of the drivers attempts to flee law enforcement.

Subsections are created beginning on line 11. Overstruck language on lines 12 and 13 become the new subsection B on lines 14 and 15.

Substantive changes begin on line 16 with subsection C. Similar to our reckless endangerment charges (12.1-17-03), a driver who willfully operates a vehicle in a manner constituting an inherent risk of death or serious bodily injury to a third person may be charged with a class C felony.

There was a Subsection D in the original version which would've increased the charges to class B felony if the third person was a peace officer or child under the age of twelve (consistent with tiers and penalties listed in our aggravated assault statute), however the House Judiciary removed this additional tier as they aligned the law more with our reckless endangerment statute instead of aggravated assault.

The remainder of the section is unchanged from current law.

Thank you again, Madam Chair and members of the committee. I hope this adequately explains the bill before you and prepares you for additional testimony that will begin momentarily. I'm especially grateful for the work done by numerous individuals and agencies to create the proposal that's before you and I hope the committee will eventually give HB 1296 favorable consideration.

At this time I'd be happy to entertain any questions the committee may have.

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STATE	STATUTE	OFFENSE	PENALTY	ENHANCED PENALTY
North Dakota	12.1-08-11	(Refusing to halt) prohibits an individual from willfully failing or refusing to stop or otherwise flee or attempt to elude, in any manner, a pursuing peace officer, when given a visual or audible signal to stop.	B misdemeanor for a first or second offense.	Class A misdemeanor for a subsequent offense.
North Dakota	39-10-71	(Fleeing or attempting to elude a peace officer) Prohibits a driver of a motor vehicle from willfully failing or refusing to bring the vehicle to a stop, or otherwise flee or attempt to elude, in any manner, a pursuing police vehicle or peace officer, when given a visual or audible signal to bring the vehicle to a stop.	Class A misdemeanor for a first offense.	<ul style="list-style-type: none"> • Class C felony for a subsequent offense within three years. • Class C felony if violating this section while fleeing after or in the commission of a felony.
Michigan	750.479a./ 257.602a	An operator of a motor vehicle or vessel who is given by hand, voice, emergency light, or siren a visual or audible signal by a police or conservation officer, acting in the lawful performance of his or her duty, directing the operator to bring his or her motor vehicle or vessel to a stop shall not willfully fail to obey that direction by increasing the speed of the vehicle or vessel, extinguishing the lights of the vehicle or vessel, or otherwise attempting to flee or elude the police or conservation officer.	Fourth-degree fleeing and eluding, a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.	<ul style="list-style-type: none"> • Third-degree fleeing and eluding, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both, if: <ul style="list-style-type: none"> ○ The offense results in a collision or accident; ○ The offense occurred in an area where the speed limit is 35 miles an hour or less; or ○ The individual has a prior conviction for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct. • Second-degree fleeing and eluding, a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both, if:

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				<ul style="list-style-type: none"> ○ The offense results in serious impairment of a body function of an individual; ○ The individual has 1 or more prior convictions for first-, second-, or third-degree fleeing and eluding, attempted first-, second-, or third-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct; or ○ The individual has any combination of 2 or more prior convictions for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former law of this state prohibiting substantially similar conduct. • First degree fleeing and eluding, a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$15,000.00, or both, if the offense results in the death of another individual.
North Carolina	20-141.5.	(Speeding to elude arrest) Prohibits an individual from operating a motor vehicle on a street, highway, or public vehicular area while fleeing or attempting to elude a law enforcement officer who is in the lawful performance of his duties.	Class 1 misdemeanor	<ul style="list-style-type: none"> • Class H felony if <u>two or more</u> of the following aggravating factors are present at the time the violation occurs: <ul style="list-style-type: none"> ○ Speeding in excess of 15 miles per hour over the legal speed limit. ○ Gross impairment of the person's faculties while driving due to: <ul style="list-style-type: none"> ▪ Consumption of an impairing substance; or

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				<ul style="list-style-type: none"> ▪ A blood alcohol concentration of 0.14 or more within a relevant time after the driving. ○ Reckless driving. ○ Negligent driving leading to an accident causing: <ul style="list-style-type: none"> ▪ Property damage in excess of one thousand dollars (\$1,000); or ▪ Personal injury. ○ Driving when the person's drivers license is revoked. ○ Driving in excess of the posted speed limit, during the days and hours when the posted limit is in effect, on school property or in an area designated as a school zone. ○ Passing a stopped school bus. ○ Driving with a child under 12 years of age in the vehicle. ○ Is the proximate cause of the death of any person. • Class E felony if the offense is the proximate cause of the death of any person while violating the class H felony above.
Iowa	321.279.	(Eluding or attempting to elude pursuing law enforcement vehicle) The driver of a motor vehicle may not willfully fail to bring the motor vehicle to a stop or otherwise elude or attempt to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual and audible signal to stop.	Serious misdemeanor	<ul style="list-style-type: none"> • Aggravated misdemeanor if the driver exceeds the speed limit by twenty-five miles per hour or more. • Class D felony if the driver exceeds the speed limit by twenty-five miles per hour or more, and any of the following occurs: <ul style="list-style-type: none"> ○ The driver is participating in a public offense that is a felony.

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				<ul style="list-style-type: none"> ○ The driver is operating the vehicle while under the influence of alcohol or a drug or while having an alcohol concentration of .08 or more, or is in the possession of a controlled substance. ○ The offense results in bodily injury to a person other than the driver.
South Dakota	32-33-18	(Failure to stop at the signal of law enforcement officer) Any driver of a vehicle who intentionally fails or refuses to bring a vehicle to a stop, when given visual or audible signal to bring the vehicle to a stop, is guilty of failure to stop at the signal of a law enforcement officer.	Class 2 misdemeanor	<ul style="list-style-type: none"> • Class 1 misdemeanor if after failing or refusing to bring a vehicle to a stop the driver flees from the law enforcement officer or attempts to elude the pursuit of the law enforcement officer. • Class 6 felony if the driver during the flight or pursuit, the driver operates the vehicle in a manner that constitutes an inherent risk of death or serious bodily injury to any third person.
Oregon	811.540	<p>(Fleeing or attempting to elude police officers) A person commits the crime of fleeing or attempting to elude a police officer if:</p> <ul style="list-style-type: none"> • The person is operating a motor vehicle; and • A police officer who is in uniform and prominently displaying the police officer's badge of office or operating a vehicle appropriately marked showing it to be an official police vehicle gives a visual or audible signal to bring the vehicle to a stop, including any signal by hand, voice, emergency light or siren. 	<ul style="list-style-type: none"> • Class A misdemeanor if The person gets out of the vehicle and knowingly flees or attempts to elude the police officer. • Class C felony if the person, while still in the vehicle, knowingly flees or attempts to elude a pursuing police officer. 	
Minnesota	609.487	(Fleeing peace officer) Whoever by means of a motor vehicle flees or attempts to flee a peace officer who is acting in the lawful discharge of	Felony; may be sentenced to imprisonment for not	<ul style="list-style-type: none"> • Imprisonment for not more than 40 years or to payment of a fine of not more than \$80,000, or both if the course of fleeing results in death.

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		an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer.	more than three years and one day or to payment of a fine of not more than \$5,000, or both.	<ul style="list-style-type: none"> • Imprisonment for not more than seven years or to payment of a fine of not more than \$14,000, or both if the course of fleeing results in great bodily harm. • Imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both if the course of fleeing results in substantial bodily harm. • Misdemeanor for whoever, for the purpose of avoiding arrest, detention, or investigation, or in order to conceal or destroy potential evidence related to the commission of a crime, attempts to evade or elude a peace officer, who is acting in the lawful discharge of an official duty, by means of running, hiding, or by any other means except fleeing in a motor vehicle.
Utah	41-6a-210.	(Fleeing) An operator who receives a visual or audible signal from a law enforcement officer to bring the vehicle to a stop may not attempt to flee or elude a law enforcement officer by vehicle or other means.	Felony of the third degree.	Felony of the second degree if while so doing causes death or serious bodily injury to another person, under circumstances not amounting to murder or aggravated murder.
Alabama	13A-10-52	(Fleeing or attempting to elude law enforcement officer) <ul style="list-style-type: none"> • It is unlawful for a person to intentionally flee by any means from anyone the person knows to be a law enforcement officer if the person knows the officer is attempting to arrest the person. • It is unlawful for a person while operating a motor vehicle on a street, road, alley, or highway in this state, to intentionally flee or attempt to elude a law enforcement officer after having received a signal from the officer to bring the vehicle to a stop. 	Class A misdemeanor	Class C felony if the flight or attempt to elude causes an actual death or physical injury to innocent bystanders or third parties.

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Florida	316.1935	<p>(Fleeing or attempting to elude a law enforcement officer; aggravated fleeing or eluding)</p> <ul style="list-style-type: none"> It is unlawful for the operator of any vehicle, having knowledge that he or she has been ordered to stop such vehicle by a duly authorized law enforcement officer, willfully to refuse or fail to stop the vehicle in compliance with such order or, having stopped in knowing compliance with such order, willfully to flee in an attempt to elude the officer. Any person who willfully flees or attempts to elude a law enforcement officer in an authorized law enforcement patrol vehicle, with agency insignia and other jurisdictional markings prominently displayed on the vehicle, with siren and lights activated. 	Felony of the third degree	<ul style="list-style-type: none"> Felony of the second degree if the person drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property. Felony of the first degree if the person drives at high speed, or in any manner which demonstrates a wanton disregard for the safety of persons or property, and causes serious bodily injury or death to another person, including any law enforcement officer involved in pursuing or otherwise attempting to effect a stop of the person's vehicle.
West Virginia	61-5-17	<p>(Obstructing officer; fleeing from officer)</p> <ol style="list-style-type: none"> A person may not intentionally flee or attempt to flee by any means other than the use of a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity who is attempting to make a lawful arrest of the person, and who knows or reasonably believes that the officer is attempting to arrest him or her. A person may intentionally flee or attempt to flee in a vehicle from a law-enforcement officer, probation officer or parole officer acting in his or her official capacity after the 	<ol style="list-style-type: none"> Misdemeanor (fined not less than \$50 nor more than \$500 or confined in jail not more than one year, or both). Misdemeanor (fined not less than \$500 nor more than \$1,000 and shall be confined in a regional jail not 	<ul style="list-style-type: none"> Felony (fined not less than \$1,000 nor more than \$2,000 and shall be imprisoned in a state correctional facility not less than one nor more than five years) if the person operates the vehicle in a manner showing a reckless indifference to the safety of others. Misdemeanor (fined not less than \$1,000 nor more than \$3,000 and shall be confined in jail for not less than six months nor more than one year) if the person causes damage to the real or personal property of a person during or resulting from his or her flight. Felony (imprisoned in a state correctional facility not less than three nor more than ten years) if

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		officer has given a clear visual or audible signal directing the person to stop	more than one year).	<p>the person causes bodily injury to a person during or resulting from his or her flight.</p> <ul style="list-style-type: none"> • Felony (imprisoned in a state correctional facility for not less than five nor more than fifteen years) if the person causes death to a person during or resulting from his or her flight. • Felony (imprisoned in a state correctional facility not less than three nor more than ten years) if the person is under the influence of alcohol, controlled substances or drugs.
Mississippi	97-9-72	(Driver failing to stop motor vehicle pursuant to signal of law enforcement officer) The driver of a motor vehicle who is given a visible or audible signal by a law enforcement officer by hand, voice, emergency light or siren directing the driver to bring his motor vehicle to a stop when such signal is given by a law enforcement officer acting in the lawful performance of duty who has a reasonable suspicion to believe that the driver in question has committed a crime, and who willfully fails to obey such direction.	Misdemeanor (a fine not to exceed \$1,000.00 or imprisoned in the county jail for a term not to exceed six (6) months, or both.	<ul style="list-style-type: none"> • Felony (a fine not to exceed \$5,000.00, or by commitment to the custody of the Mississippi Department of Corrections for not more than five (5) years, or both) if the person operates the motor vehicle in such a manner as to indicate a reckless or willful disregard for the safety of persons or property, or who so operates a motor vehicle in a manner manifesting extreme indifference to the value of human life. • Felony (imprisonment for not less than three (3) nor more than twenty (20) years) if the person's flight results in the serious bodily injury of another. • Felony (imprisonment for not less five (5) nor more than forty (40) years) if the person's flight results in the death of another.
Pennsylvania	3733	(Fleeing or attempting to elude police officer) Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police officer, when given a visual and audible signal to bring the vehicle to a stop.	Misdemeanor of the second degree. Any driver upon conviction shall pay an additional fine of \$500.	<ul style="list-style-type: none"> • Felony of the third degree if the driver while fleeing or attempting to elude a police officer does any of the following: <ul style="list-style-type: none"> ○ Drives under influence of alcohol or controlled substance; ○ Crosses a State line; or

				<ul style="list-style-type: none"> o endangers a law enforcement officer or member of the general public due to the driver engaging in a high-speed chase.
Arkansas	5-54-125	(Fleeing) If a person knows that his or her immediate arrest or detention is being attempted by a duly authorized law enforcement officer, it is the lawful duty of the person to refrain from fleeing, either on foot or by means of any vehicle or conveyance.	Class C misdemeanor	<ul style="list-style-type: none"> • Class B misdemeanor if the defendant has been previously convicted of fleeing on foot anytime within the past one-year period. • Class A misdemeanor if property damage occurs as a direct result of the fleeing on foot. • Class D felony if serious physical injury occurs to any person as a direct result of the fleeing on foot. • Class A misdemeanor if fleeing by means of any vehicle or conveyance. • Class D felony when fleeing by means of any vehicle or conveyance and under circumstances manifesting extreme indifference to the value of human life, a person purposely operates the vehicle or conveyance in such a manner that creates a substantial danger of death or serious physical injury to another person. • Class C felony if serious physical injury to any person occurs as a direct result of fleeing by means of any vehicle or conveyance.
Georgia	40-6-395	(Fleeing or attempting to elude a police officer) It is unlawful for any driver of a vehicle willfully to fail or refuse to bring his or her vehicle to a stop or otherwise to flee or attempt to elude a pursuing police vehicle or police officer when given a visual or an audible signal to bring the vehicle to a stop.	High and aggravated misdemeanor and upon conviction shall be fined not less than \$500.00 nor more than \$5,000.00.	<ul style="list-style-type: none"> • Fined not less than \$1,000.00 nor more than \$5,000.00 for a second conviction within a ten-year period of time. • Fined not less than \$2,500.00 nor more than \$5,000.00 for third or subsequent conviction within a ten-year period of time. • Felony (punishable by a fine of \$5,000.00 or imprisonment for not less than one year nor more than five years or both) if the driver:

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				<ul style="list-style-type: none">○ Operates his or her vehicle in excess of 20 miles an hour above the posted speed limit;○ Strikes or collides with another vehicle or a pedestrian;○ Flees in traffic conditions which place the general public at risk of receiving serious injuries;○ Drives under the influence of alcohol, drugs, or toxic vapor; or○ Leaves the state.
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CHAPTER 12.1-17
ASSAULTS - THREATS - COERCION - HARASSMENT

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12.1-17-01. Simple assault.

1. A person is guilty of an offense if that person:
 - a. Willfully causes bodily injury to another human being; or
 - b. Negligently causes bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.
2. The offense is:
 - a. A class C felony when the victim is a peace officer or correctional institution employee acting in an official capacity, which the actor knows to be a fact; an employee of the state hospital acting in the course and scope of employment, which the actor knows to be a fact, and the actor is an individual committed to or detained at the state hospital pursuant to chapter 25-03.3; a person engaged in a judicial proceeding; or a member of a municipal or volunteer fire department or emergency medical services personnel unit or emergency department worker in the performance of the member's duties.
 - b. A class B misdemeanor for the first offense when the victim is an actor's family or household member as defined in subsection 4 of section 14-07.1-01 and a class A misdemeanor for a second or subsequent offense when the victim is an actor's family or household member as defined in subsection 4 of section 14-07.1-01 and the actor has a prior conviction for simple assault under this section or an assault offense under section 12.1-17-01.1 or 12.1-17-02 involving the commission of domestic violence as defined in subsection 2 of section 14-07.1-01. For purposes of this subdivision, a prior conviction includes a conviction of any assault offense in which a finding of domestic violence was made under a law or ordinance of another state which is equivalent to this subdivision.
 - c. A class B misdemeanor except as provided in subdivision a or b.

12.1-17-01.1. Assault.

A person is guilty of a class A misdemeanor, except if the victim is under the age of twelve years in which case the offense is a class C felony, if that person:

1. Willfully causes substantial bodily injury to another human being; or
2. Negligently causes substantial bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.

12.1-17-02. Aggravated assault.

1. Except as provided in subsection 2, a person is guilty of a class C felony if that person:
 - a. Willfully causes serious bodily injury to another human being;
 - b. Knowingly causes bodily injury or substantial bodily injury to another human being with a dangerous weapon or other weapon, the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury;
 - c. Causes bodily injury or substantial bodily injury to another human being while attempting to inflict serious bodily injury on any human being; or
 - d. Fires a firearm or hurls a destructive device at another human being.
2. The person is guilty of a class B felony if the person violates subsection 1 and the victim:
 - a. Is under twelve years of age;
 - b. Is a peace officer or correctional institution employee acting in an official capacity, which the actor knows to be a fact; or
 - c. Suffers permanent loss or impairment of the function of a bodily member or organ.

12.1-17-03. Reckless endangerment.

A person is guilty of an offense if he creates a substantial risk of serious bodily injury or death to another. The offense is a class C felony if the circumstances manifest his extreme indifference to the value of human life. Otherwise it is a class A misdemeanor. There is risk within the meaning of this section if the potential for harm exists, whether or not a particular person's safety is actually jeopardized.

12.1-17-04. Terrorizing.

A person is guilty of a class C felony if, with intent to place another human being in fear for that human being's or another's safety or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious disruption or public inconvenience, or in reckless disregard of the risk of causing such terror, disruption, or inconvenience, the person:

1. Threatens to commit any crime of violence or act dangerous to human life; or
2. Falsely informs another that a situation dangerous to human life or commission of a crime of violence is imminent knowing that the information is false.

12.1-17-05. Menacing.

A person is guilty of a class A misdemeanor if he knowingly places or attempts to place another human being in fear by menacing him with imminent serious bodily injury.

12.1-17-06. Criminal coercion.

1. A person is guilty of a class A misdemeanor if, with intent to compel another to engage in or refrain from conduct, he threatens to:
 - a. Commit any crime;
 - b. Accuse anyone of a crime;
 - c. Expose a secret or publicize an asserted fact, whether true or false, tending to subject any person, living or deceased, to hatred, contempt, or ridicule, or to impair another's credit or business repute; or
 - d. Take or withhold official action as a public servant or cause a public servant to take or withhold official action.
2. It is an affirmative defense to a prosecution under this section that the actor believed, whether or not mistakenly:
 - a. That the primary purpose of the threat was to cause the other to conduct himself in his own best interest; or
 - b. That a purpose of the threat was to cause the other to desist from misbehavior, engage in behavior from which he could not lawfully abstain, make good a wrong done by him, or refrain from taking any action or responsibility for which he was disqualified.

12.1-17-07. Harassment.

1. A person is guilty of an offense if, with intent to frighten or harass another, the person:
 - a. Communicates in writing or by electronic communication a threat to inflict injury on any person, to any person's reputation, or to any property;
 - b. Makes a telephone call anonymously or in offensively coarse language;
 - c. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication; or
 - d. Communicates a falsehood in writing or by electronic communication and causes mental anguish.
2. The offense is a class A misdemeanor if it is under subdivision a of subsection 1 or subsection 4. Otherwise it is a class B misdemeanor.
3. Any offense defined herein and committed by use of electronic communication may be deemed to have been committed at either the place at which the electronic communication was made or at the place where the electronic communication was received.

39-08-01.4. Driving while under the influence of alcohol while being accompanied by a minor - Penalty.

It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.

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39-08-01.5. Partial suspension of sentence for drug court completion.

1. Notwithstanding section 39-08-01, all but ten days of the minimum mandatory sentence required for a defendant charged with a third or subsequent violation of section 39-08-01 may be suspended on the condition the defendant successfully completes a drug court program approved by the supreme court.
2. For purposes of this section, unless the context otherwise requires, "drug court program" means a district court-supervised treatment program approved by the supreme court which combines judicial supervision with alcohol and drug testing and chemical addiction treatment in a licensed treatment program. The supreme court may adopt rules, including rules of procedure, for drug courts and the drug court program.

39-08-02. Person conveying passengers not to engage drivers addicted to intoxicants - Penalty.

No person owning or having the direction or control of any vehicle for the conveyance of passengers in this state may employ or continue in the person's employment as a driver of such vehicle any person who is known to the actor to be addicted to a controlled substance or given to the excessive use of controlled substances or intoxicating liquors. Any person violating the provisions of this section is guilty of an infraction and is liable for all damages sustained by reason of such violation.

39-08-03. Reckless driving - Aggravated reckless driving - Penalty.

Any person is guilty of reckless driving if the person drives a vehicle:

1. Recklessly in disregard of the rights or safety of others; or
2. Without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or the property of another.

Except as otherwise herein provided, any person violating the provisions of this section is guilty of a class B misdemeanor. Any person who, by reason of reckless driving as herein defined, causes and inflicts injury upon the person of another, is guilty of aggravated reckless driving, and is guilty of a class A misdemeanor.

39-08-03.1. Exhibition driving and drag racing - Definitions - Penalty.

1. No person may engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area, nor may any person engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. Any person who violates this section by engaging in an act defined by subdivision b of subsection 2 must be assessed a fee of fifty dollars. Any person who violates this section by engaging in an act defined by subdivision a or c of subsection 2 must be assessed a fee of one hundred dollars.
2. As used in this section:
 - a. "Drag race" means the operation of two or more vehicles from a point side by side by accelerating rapidly in a competitive attempt to cause one vehicle to outdistance the other; or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.
 - b. "Exhibition driving" means driving a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon

Penalties by Classification of Offense

12.1-32-01. Classification of offenses - Penalties. Offenses are divided into seven classes, which are denominated and subject to maximum penalties, as follows:

1. **Class AA felony** - maximum - life imprisonment without parole
The court must designate whether the life imprisonment sentence imposed is with or without an opportunity for parole.
2. **Class A felony** – maximum - 20 years, a fine of \$20,000, or both
3. **Class B felony** – maximum - 10 years, a fine of \$20,000, or both
4. **Class C felony** – maximum - 5 years, a fine of \$10,000, or both
5. **Class A misdemeanor** – maximum – 360 days, a fine of \$3,000, or both
6. **Class B misdemeanor** - maximum - 30 days, a fine of \$1,500 or both
7. **Infraction** - \$1,000 fine

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Two facing charges after allegedly fleeing police in stolen car

By Tess Williams on Mar 12, 2019 at 7:46 a.m.



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Two people are facing charges after they fled from police in a stolen car, according to a press release from the Grand Forks Police Department.

Police found a stolen car parked on the 1100 block of Sixth Avenue North around 9 p.m. Monday, the release said. The car had its license plates removed, but the release said it fit the description of a report taken by UND police.

Just before 11 p.m. Michael John Sebjornson, 33, got into the car and police allegedly tried to pull him over, but he refused. Police said they followed the car until it reached the 2600 block of Second Avenue North, where Sebjornson crashed into a snowbank.

Sebjornson is facing charges of aggravated reckless driving, fleeing in a motor vehicle, possession of stolen vehicle and driving under suspension, and he had warrants for theft and possession of methamphetamine paraphernalia, the release said.

The passenger, 30-year-old Jeremy Nelson, was also arrested and is facing a charge of possession of methamphetamine paraphernalia.

The Grand Forks County Sheriff's Office and UND Police assisted during the call. The release said the vehicle was returned to its owner.

Sebjornson has previously pleaded guilty to methamphetamine-related charges and fleeing from police.

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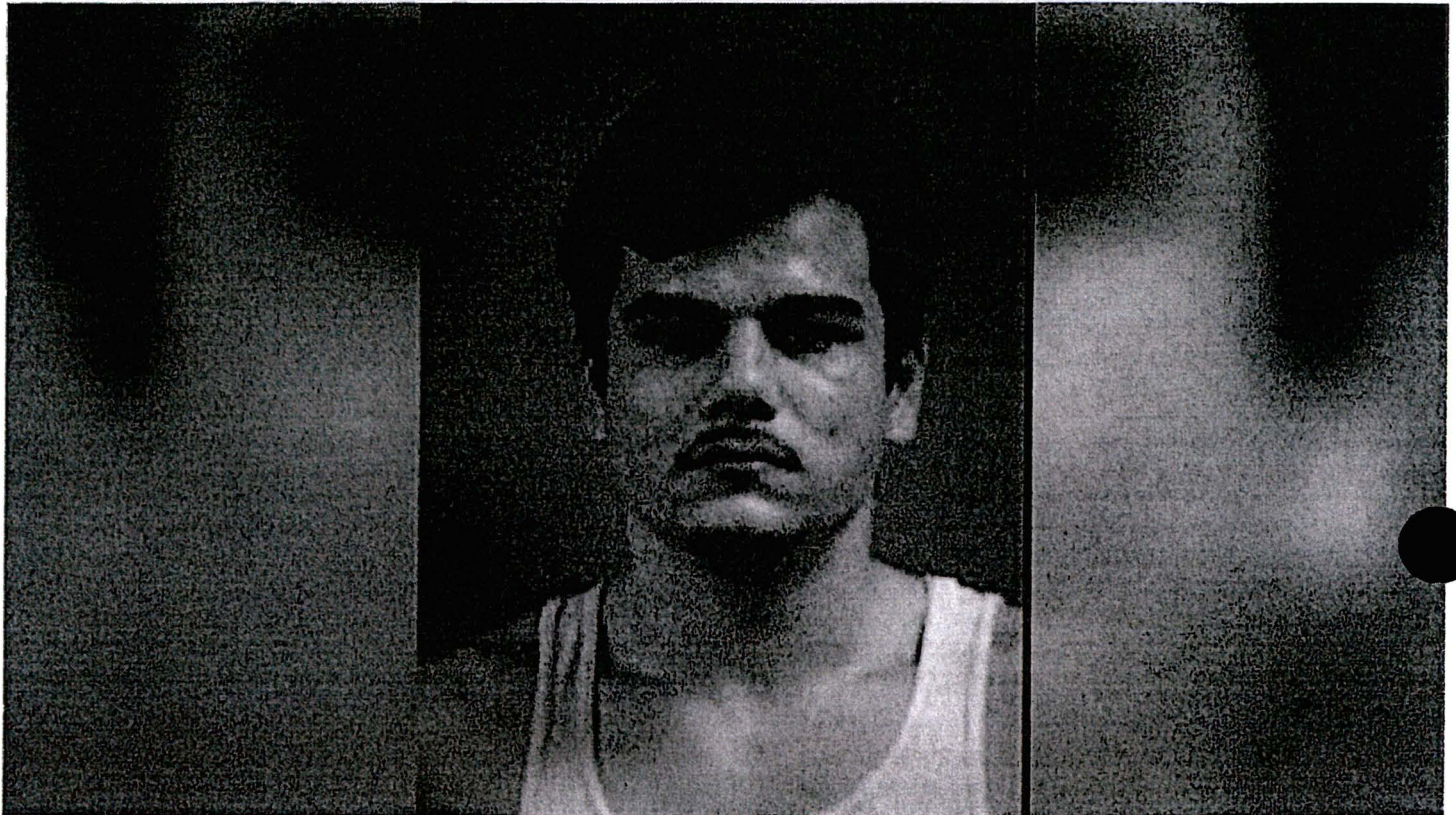
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Man facing charges after deputies say he tried to flee in stolen car

By Tess Williams on Mar 13, 2019 at 9:01 a.m.



Andrew Collison

A Fargo man is facing charges after he allegedly tried to flee from deputies in a stolen car, according to a press release from the Grand Forks County Sheriff's Office.

Andrew John Patrick Collison, 23, is facing felony charges of criminal mischief, fleeing and possession of a stolen vehicle. He is also facing misdemeanor counts of reckless endangerment, reckless driving, possession of methamphetamine paraphernalia and driving under suspension.

A deputy noticed a stolen car in Larimore, N.D., around 2:30 a.m. Wednesday and saw two people get in around 4 a.m. and try to drive away, the release said. The deputies tried to box the car in when they say Collison accelerated in reverse and struck the patrol car. Collison's vehicle was stopped and he was arrested, the release said.

The patrol vehicle has minor damage, and the release said no one was injured.

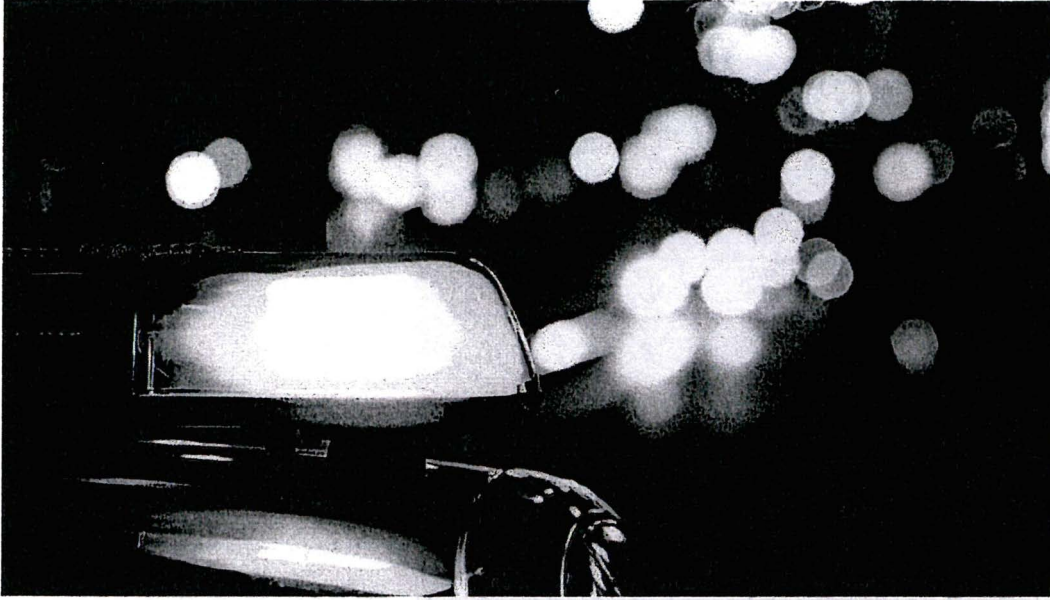
Collison had four felony warrants from Burleigh and Cass counties related to drugs, fleeing and theft.

Driver charged in Grand Forks high-speed chase

By Forum staff reports on Nov 18, 2018 at 5:50 p.m.

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GRAND FORKS — On Saturday, Nov. 17, officers tried to pull over a vehicle about 11:55 p.m. after it failed to stop at a red light at the intersection of Campbell Drive and South Washington Street.

The vehicle proceeded to go through multiple stop lights and stop signs, according to the release.

During the chase, the vehicle struck the porch of a residence and hit a stopped patrol vehicle in the area. The driver of the vehicle parked in an alley on South 10th Street, where he fled on foot.

Officers were able to track the suspect, identified as Cory Hanson, through shoeprints in the snow.

Hanson was transported to the Grand Forks County Correctional Center and was charged with driving under the influence, reckless endangerment, reckless driving, preventing arrest, leaving the scene of an accident on two occasions and fleeing in a motor vehicle.

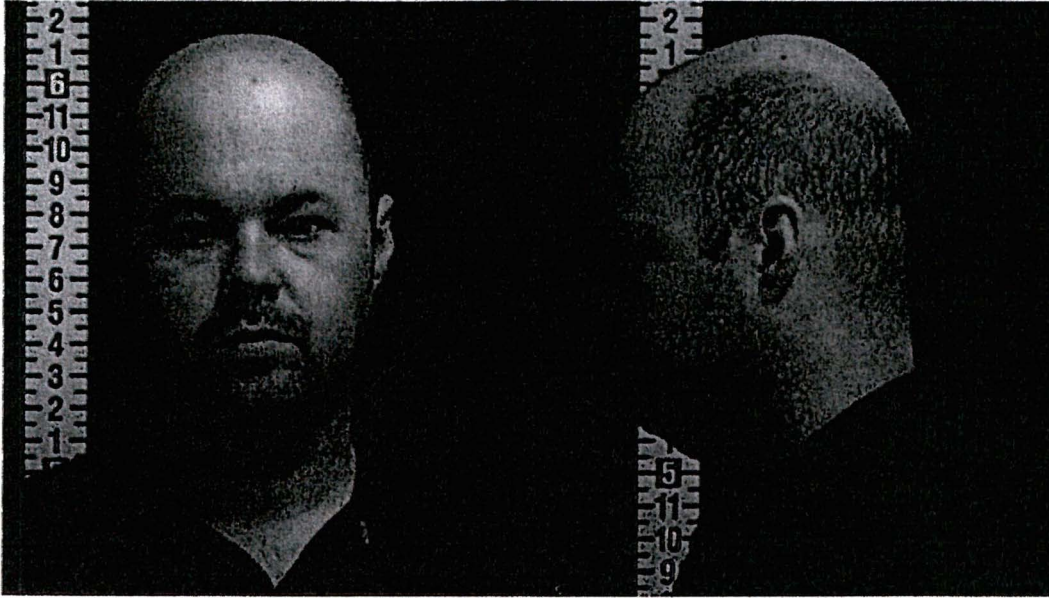
No one was injured in the incident and the investigation is ongoing. Anyone with information is asked to contact Grand Forks police.

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ND Highway Patrol arrests Nebraska man after high speed chase

By Robin Huebner on Apr 22, 2018 at 6:26 p.m.

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Daniel Rosseter, 32, of Omaha, Neb.

FARGO—The North Dakota Highway Patrol was involved in its second high speed chase in this area in a matter of hours.

The Patrol said it received a complaint of a reckless driver just after 11:30 p.m. on Saturday, April 21.

A trooper located the vehicle, traveling over 110 mph on eastbound Interstate 94 near Casselton, N.D.

The trooper tried to stop the 2006 Honda CR-V, but the driver kept going.

Troopers used a spike strip tire deflation device to disable the vehicle near the Mapleton exit after a 20 mile pursuit.

Daniel Rosseter, 32, of Omaha, Neb. was taken into custody for fleeing a police officer and reckless driving.

There were no injuries.

Earlier in the day Saturday, the Patrol arrested a driver following a 25-mile-long chase that reached a top speed of 106 mph.

That pursuit, which began around 1:50 p.m., on northbound Highway 18, south of Casselton, ended at Sanford Medical Center in Fargo.

Joshua Wolters, 21, of Enderlin, N.D., was arrested on charges of DUI, driving under suspension, fleeing a police officer and reckless driving.

BREAKING NEWS

Major winter storm wreaks havoc on travel

Man arrested following high-speed pursuit on US Highway 83 in McLean County

WASHBURN – A 29-year-old West Fargo man was arrested and is being held in the McLean County Detention Center following a pursuit by county officers when the man was driving the wrong way on the one-way roadway at speeds near 100 mph Tuesday night.

According to a news release from the McLean County Sheriff's Department, at about 10:22 p.m. Tuesday, the McLean County Law Enforcement Center received several 911 calls from the public concerning a reckless driver traveling at a high rate of speed going south on the northbound roadway of U.S. Highway 83, near Coleharbor.

The vehicle, a 1997 Mercury Cougar passenger vehicle, was encountered by units of the McLean County Sheriff's Department near the Riverdale turn-off where the driver refused to stop. The vehicle continued traveling the wrong way on the one-way roadway at speeds near 100 mph. Additional responding units attempted to stop and warn approaching traffic until tire spike-strips could be deployed in the Falkirk area.

Following the successful spike-strip deployment, the vehicle continued in the same manner until the driver lost control in Washburn proper. The car entered the ditch, struck a delineator post and adjacent fence. The vehicle became disabled and the driver, Justin Gladue of West Fargo, was taken into custody following a Taser deployment.

Gladue is being held in the McLean County Detention Center on several driving, conduct and drug-related offenses as well as for outstanding warrants for his arrest.

A female passenger in the vehicle, Ravan Ware, 23, address unknown, was detained and taken to a Bismarck hospital for examination and later served outstanding warrants for her arrest.

The North Dakota Highway Patrol and Washburn Ambulance Service assisted at the scene.

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https://bismarcktribune.com/news/local/crime-and-courts/high-speed-chase-ends-at-casino/article_a9c183e7-21cd-59ba-bb78-457a03384903.html

High speed chase ends at casino

JACK DURA Bismarck Tribune Dec 1, 2017

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Officers from four agencies scrambled over State Highway 1806 Thursday morning in pursuit of a fleeing vehicle whose driver now faces a raft of charges.

Matthew Ford Mize, 34, of Minot, is charged with seven offenses, including felony counts of reckless endangerment and fleeing or attempting to elude a police officer as well as misdemeanor counts of false reports to law enforcement, fleeing or attempting to elude a police officer, reckless driving, driving under suspension and possession of marijuana.

Morton County sheriff's deputies took up the chase after 8:30 a.m. Thursday when Mandan Police ended their pursuit southbound on Highway 1806.

Court documents say Mize continued to flee from deputies, even after losing control on gravel and sliding into a ditch. Morton County reported he fled at speeds up to 80 to 90 mph.



Advertisement (1 of 1): 0:29

Officers successfully spiked Mize's tires, but he allegedly continued to flee even with just rims on his front wheels.

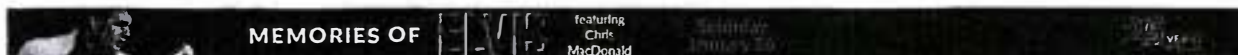
North Dakota Highway Patrol and the Bureau of Indian Affairs also joined the pursuit, which ended near Prairie Knights Casino. A vehicle search reportedly yielded a small amount of marijuana in a backpack.

Mandan Police originally tried to pull Mize over for driving a suspicious vehicle before he allegedly fled out of city limits.

He is held at the Burleigh-Morton County Detention Center, pending \$10,000 cash bond.

Reach Jack Dura at 701-250-8225 or jack.dura@bismarcktribune.com.

22



Deputy was allegedly dragged by car before high-speed chase in Grand Forks

es Williams on Dec 18, 2018 at 1:56 p.m.

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Amanda Marie Marzolf

Grand Forks woman is facing charges stemming from an incident in which she allegedly dragged an officer a short distance with her car before leading police on a high-speed chase.

Amanda Marie Marzolf, 26, is facing felony charges for fleeing police, reckless endangerment and simple assault. If convicted, she could face up to five years in prison for each charge.

A deputy was on his way to serve a warrant to a Haley Lanes on Dec. 10 and saw her get into a car with two other women, an affidavit said.

When the deputy approached and told Lanes to get out of the car's backseat she leaned toward the middle of the vehicle and held on, according to a court document. The deputy began to pull Lanes from the car, but the driver, Marzolf, abruptly accelerated, the affidavit said.

The deputy was dragged a short distance and knocked to the ground, according to the affidavit. He said his left shoulder, hip, hand and knee hurt and his knee was bruised.

Deputies called off a chase because of high speeds and said Marzolf ran multiple stop signs, nearly hit several vehicles and entered a school zone.

The affidavit said Marzolf had an active warrant and she has previously faced drug-related charges.

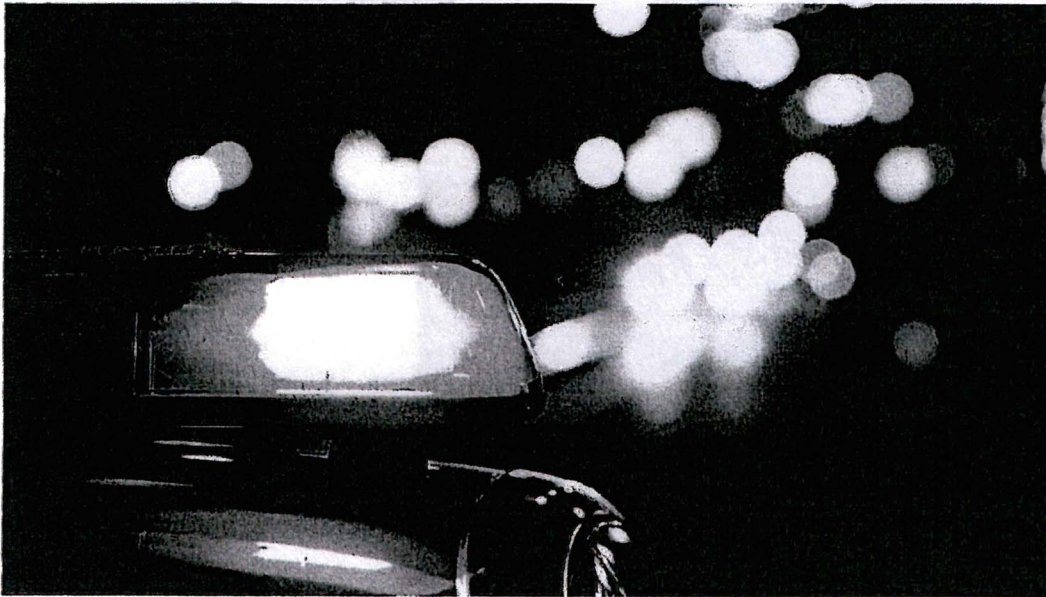
Both Lanes and Marzolf are facing misdemeanor charges for refusal to halt. Marzolf is scheduled to enter a plea on Jan. 22.

Man accused of leading high-speed chase with infant in

114

By Tess Williams on Dec 26, 2018 at 10:59 a.m.

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iStock.com/Chalabala

A Fort Totten, N.D., man is facing a felony charge after allegedly knocking over an officer and leading police on a high-speed chase while an infant was in his car.

A criminal complaint said Dylan James Herman fled when a Devils Lake police officer tried to stop him in the Leever's South parking lot Dec. 17. Herman allegedly sped away in a 2006 Chevy Impala and knocking over the officer, who was standing next to the car.

An infant about 6 months old was in the back of the car in a baby carrier that was not secured in place, the complaint said.

Herman hit speeds of over 100 mph as he drove south on North Dakota Highway 20, and police stopped the chase near Spirit Lake Casino because of concerns for public safety and the infant, the complaint said.

Herman's license was suspended during the chase. He's facing a felony reckless endangerment charge and misdemeanor charges for fleeing, false reports to police and driving under suspension. He could spend up to five years in prison for the felony charge.

Charges were filed Friday in Ramsey County, but Herman had not been arrested as of Wednesday morning.



BURLEIGH COUNTY SHERIFF'S DEPARTMENT

#2
HB 1296
3-18-19
KELLY LEBEN
SHERIFF

Testimony in support of House Bill 1296

I am testifying in support of HB 1296, which is a bill to amend 39-10-71, North Dakota's Fleeing or attempting to elude a peace officer.

I have been with the Burleigh County Sheriff's Department for over 21 years and have served in a variety of different positions within our department. I have served as a patrol deputy, an investigator, a Patrol Sergeant, Warrants Sergeant, Patrol Lieutenant and now the Major of the Enforcement Division. Over the years serving in these all of these positions I have had a direct contact and direct experience with dealing with fleeing subjects and vehicle pursuits.

Like so many other law enforcement agencies our department has gone from the occasional fleeing vehicle to a point at which fleeing vehicles and police pursuits have become a regular occurrence. These people choose not to stop for a variety of reasons but none are worth the risk they are creating. These individuals that choose to flee from law enforcement in a vehicle, not only put themselves and law enforcement at risk but all of our communities, which includes your family, friends and loved ones. No one is completely immune and at a moment's notice you or your loved one could be directly affected by one of these subjects.

With the increase in subjects fleeing in motor vehicles, it has forced our agency to adjust tactics and procedures. For our agency, many of the subjects that have fled from us, typically flee towards city limits, which we know increases the danger and in many cases, this risk outweighs the benefit. In these cases the pursuit is typically terminated and the subject remains at large and we work diligently to investigate the case in hopes of later apprehending the suspect.

With the amount of danger that is placed on our communities during these incidents coupled with the amount of time and energy spent dealing with these fleeing subjects, there needs to be a change. These individuals need to be held to a level of accountability that is proportional and appropriate to the amount of danger they are exposing our community to. This change starts with the proposed amendments to 39-10-71.

Sincerely,

Major Jim Hulm
Burleigh County Sheriff's Dept.

COURTHOUSE

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BURLEIGH MORTON DETENTION CENTER

4000 Apple Creek Road • PO Box 2499
Bismarck, ND 58502-2499
P 701-255-3113 • F 701-258-5319

Bismarck Police Department

#3
HB 1296
3-18-19

March 18, 2019

From: Dave Draovitch
Chief of Police

To: Senator Diane Larson, Chair, and Members of the Judiciary Committee

Subj: HB 1296

I come before you today to seek your support of HB 1296. I am nearly eight months into my appointment as the Chief of the Bismarck Police Department. The Monday after my appointment Deputy Chief Randy Ziegler, the Deputy Chief of Field Services for our department, gave me a few reviews he conducted about operators fleeing in their vehicles from our officers. He and a supervisor conduct a review every time a fleeing incident occurs. The next day he gave me a few more reviews. The next week he gave me a few more reviews. I couldn't believe what I was seeing. The prior 5 ½ years I was the Deputy Chief of the Support Services Division of the department. I had heard of vehicle operators fleeing from our officers but I had no idea the extent of which it was occurring. Our citizens and officers are at great risk of serious bodily injury or death just about every time one of these incidents occurs.

Representative Mock brought forth HB 1296 which I believed would help deter such actions. Many law enforcement agencies testified in favor of the bill. Everyone testifying provided similar examples and concerns for the safety of their citizens and officers. The House Judiciary amended the bill and the bill was passed in the House of Representatives. HB 1296, in its current form, is everything we need to help deter such activity. The statute, 39-10-71, in its current form, does not deter operators from fleeing in their vehicle. The first offense is a class A misdemeanor and if an operator is caught but has no other similar offenses in three years and one day; a similar offense would be a class A misdemeanor again. HB 1296 will allow a felony charge for a first offense should the operator operate the vehicle in a manner that risks death or serious bodily injury to a third person.

I believe recent legislative sessions have attempted to lessen the amount of charges people face and look to correct behavior in a rehabilitative manner. I believe this bill will help with that philosophy. This bill allows us to charge the operator with this offense only, which will be appropriate in most instances. As the statute reads now, in order to charge someone that puts a third person at risk of death or serious bodily injury, we have to also charge the person with Reckless Endangerment, or similar offense, as well as the Fleeing or attempting to elude offense. However, there will be times when additional charges will be necessary. That would be in instances when other serious criminal conduct has occurred.

Lieutenant Jeff Solemsaas, our Traffic Commander, has put together video clips of these types of incidents that have occurred in Bismarck. Sadly, this is a very small sample of these very dangerous incidents.

Dave Draovitch, Chief of Police

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One incident he will show you involves two of our officers. When you see that video, please imagine what happened to them as happening to your family, friends or other loved ones. It's a very real possibility and is one of our biggest fears at the Bismarck Police Department.

I thank you for the time I have been allowed to provide information about this bill and I thank you for considering supporting it.

If you have any questions feel free to contact me at your convenience. I may be reached at ddraovitch@bismarcknd.gov or 701-223-1212.

Respectfully,



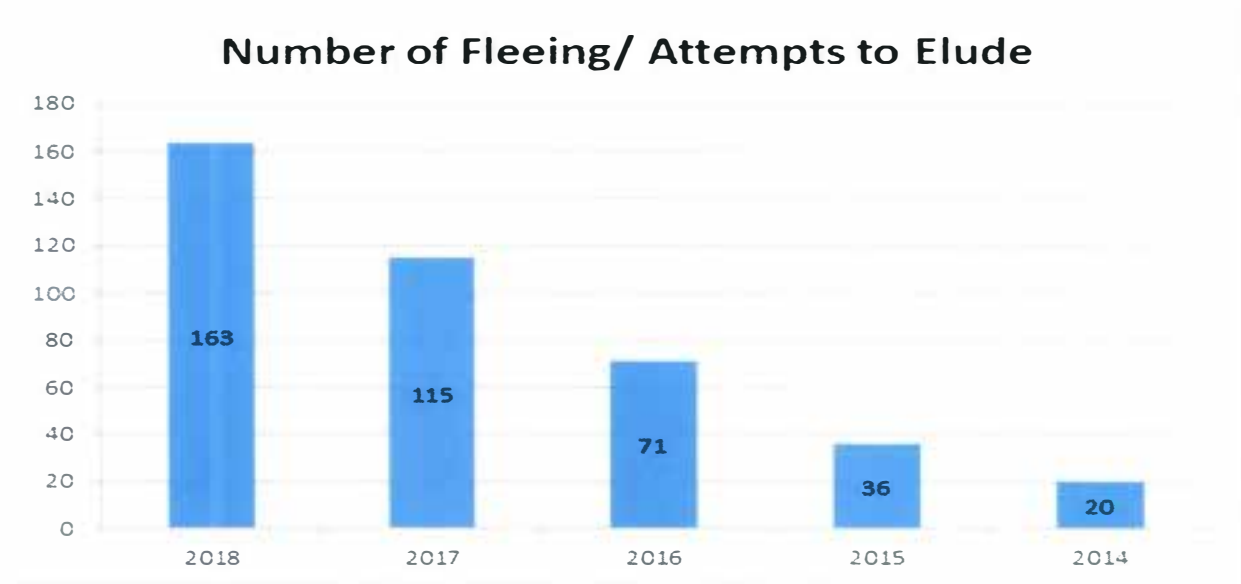
DAVE DRAOVITCH
Chief of Police

Madam Chair Larson and members of the Judiciary Committee,

For the record, my name is Jeff Solemsaas. I am a Lieutenant with the Bismarck Police department and have been in law enforcement for 26 years. I am here to voice support of House bill 1296. As a part of my duties I have complied and conducted an analysis numbers of people fleeing in motor vehicles from the officers of the Bismarck Police Department and have done so for the last 6 years.

I can explain from firsthand knowledge that the occurrence fleeing in a motor vehicle has grown exponentially in the last several years. For some brief background, the Bismarck Police department is required to track and document all instances in which a driver flees from an officer when a traffic stop is attempted. Our current policy is somewhat restricted in that officers are only allowed to engage in a vehicle pursuit in limited circumstances. Because of our accreditation status we also track the circumstances involved in each of those occurrences.

When I first started to compile the statistics I noted that there were 20 instances in 2014 in which the driver of a vehicle fled from officers. In 2018 that number has increased to 163 instances. In just the last year the number increased from 2017 in which there were 115 occurrences, a 41% increase. The chart that I've attached below demonstrates the increase in the number of vehicles fleeing from our officers.



In preparation for this hearing I also gather a small portion of video from the departments in car camera system. The videos that you see today are only a small portion of what the officers are seeing on an ever increasing occurrence. The videos also do not indicate the harmful and dangerous effect that the drivers of fleeing vehicles place on officers and unsuspecting member of the community. Too many times the driver of the fleeing vehicle places others at risk of injury or death. Even if the fleeing vehicle does not strike another vehicle drivers can be caught unaware of the speed and reckless manner in which the fleeing driver is operating at and can take avoidance maneuver that places themselves and others a risk.

Since the time that I have been compiling the data I noted that there have been 4 incidents in which an officer or civilian have been injured by the driver of the fleeing vehicle. I also found that there have been 20 instances in which the driver of the fleeing vehicle has damaged either city or privately owned property as result of their actions. These are all from collisions that the fleeing driver has been involved in. Unfortunately we have not tracked the number of collisions that occur because of the driving of the fleeing operator but I know of several occasions in which another driver not involved in the incident have tried to take an evasive action because of the fleeing drivers manner of operation and have been involved in collisions.

The driver of the fleeing vehicle is not only fleeing from a traffic citation. In 2018 there were 21 (13%) instances in which the driver fled in a motor vehicle because of a criminal violation. Obviously the largest numbers of drivers are fleeing because of a traffic violation but there is often the unanswered question of who the driver is and why are they fleeing. Because of our policy we may never know the answer to that question.

The drivers of fleeing vehicle are clearly placing the lives of public and law enforcement at risk because of the manner in which they are driving to flee from officers. There is the believe that the consequences of fleeing in a motor vehicle are not sufficient to deter a driver from fleeing, "even if I'm caught nothing will happen to me", is the common feeling. Several officers I have spoken with relate stories of drivers that inform the officer that they will flee because they know that the Bismarck Police do not generally pursue fleeing violators. The stories continue with the statement that even if the driver is caught the penalties are not severe enough to comply with the order to halt.

I urge you to support House bill 1296 and hold the drivers of fleeing responsible for their reckless and dangerous behavior.

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House Bill 1296
Senate Judiciary Committee
Senator Larson, Chairman
March 18, 2019

Good morning Chairman Larson and members of the Senate Judiciary Committee. My name is Major Tom Iverson, Chief of Operations for the North Dakota Highway Patrol. I am here today to provide agency testimony for House Bill 1296.

House Bill 1296 provides for an enhanced penalty for a driver who willfully operates their vehicle in a manner constituting an inherent risk of death or serious bodily injury to a third person.

Throughout 2017, the highway patrol issued 52 citations to individuals who violated NDCC 39-10-71. 46 citations were issued in 2018 for the same offense.

When drivers make the decision to flee from law enforcement, the decision affects more than themselves. Fleeing in a motor vehicle poses an extreme danger not only to themselves, but to any other occupants in the vehicle, the officers pursuing that vehicle, and the public.

Throughout 2017, troopers documented 94 incidents where they were either the primary unit or secondary unit involved in a pursuit. 65 incidents were documented throughout 2018. During these responses, troopers attempted to utilize a tire deflation device 33 times and the pursuit intervention technique (PIT) nine times. Every one of these incidents put the public, the offender, their passengers, and responding officers in harm's way.

When troopers engage in pursuits, they are tasked with continually assessing the hazards presented by the fleeing suspect, against that created by the pursuit. They are asked to look for ways to safely bring the pursuit to an end. Different techniques are utilized to accomplish this in a safe manner. The first option available to the officer is to simply discontinue the pursuit. This occurs if the officer feels there is a greater risk to the public by continuing the pursuit. Another option would be if the officer is able to obtain a description of the driver and vehicle (license plate) and the reason for the pursuit doesn't justify continuing. The officer would then discontinue the pursuit and try to apprehend the suspect later. Another option would be for other law enforcement units to utilize a tire deflation device attempting to disable the fleeing suspect's vehicle. This requires coordination with other troopers and agencies to ensure this device is deployed in a safe manner for all involved, to include other motorists on the roadway. Depending on the reason for the stop, the nature of the initiating event and the associated risk to the public, as well as other factors, troopers are trained in the pursuit intervention technique (PIT). This technique, if properly executed, is a forced rotational vehicle stop of a non-compliant driver meant to stop the suspect driver from fleeing. This technique would only be used if the driver presents an immediate danger to others if they are not stopped.

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Fleeing in a motor vehicle puts innocent lives at risk. Our troopers are tasked with making every reasonable effort to apprehend the operator of a fleeing vehicle, as well as continually assessing the hazard presented by the fleeing suspect against that created by the pursuit.

Chairman Larson, this concludes my testimony, and I would be happy to answer any questions.