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HOUSE BILL NO. 57

INTRODUCED BY T. BROCKMAN

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ELUDING A PEACE OFFICER; PROVIDING THAT A PERSON WHO EXCEEDS THE SPEED LIMIT BY MORE THAN 20 MILES AN HOUR IS SUBJECT TO GREATER PENALTIES; AND AMENDING SECTION 61-8-316, MCA."

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

Section 1. Section 61-8-316, MCA, is amended to read:

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

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

(b) (i) A person convicted of an offense of fleeing from or eluding a peace officer during which the person exceeds the applicable speed limit by more than 20 miles an hour shall be imprisoned for a term not to exceed 2 years or fined an amount not to exceed \$5,000, or both.

(ii) _____ A person convicted of an offense of fleeing from or eluding a peace officer during which the person causes serious bodily injury to or the death of any other person or during which the person exceeds the applicable speed limit by more than 20 miles an hour shall be imprisoned for a term not to exceed 10 years or fined an amount not to exceed \$10,000, or both."