

HOUSE BILL NO. 1452

Introduced by

Representatives Skroch, Becker, Ertelt, Kading

Senator Hogan

1 A BILL for an Act to amend and reenact section 12.1-08-11 of the North Dakota Century Code,
2 relating to refusing to halt to a peace officer; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 12.1-08-11 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12.1-08-11. Refusing to halt.**

7 ~~Any person~~

8 1. Any individual, other than the driver of a motor vehicle under section 39-10-71, who
9 willfully fails or refuses to stop or who otherwise flees or attempts to elude, in any
10 manner, a pursuing peace officer who has a reasonable and articulable suspicion the
11 individual has engaged in or is about to engage in criminal activity, when given a visual
12 or audible signal to stop, is guilty of a class B misdemeanor for a first or second
13 offense, and a class A misdemeanor for ~~a~~any subsequent offense. A signal to stop
14 complies with this section if the signal is perceptible to the person and:

15 1. a. If given from a vehicle, the signal is given by hand, voice, emergency light, or
16 siren, and the vehicle is appropriately marked showing it to be an official law
17 enforcement vehicle; or

18 2. b. If not given from a vehicle, the signal is given by hand, voice, emergency light, or
19 siren, and the officer is in uniform or prominently displays the officer's badge of
20 office.

21 2. A court shall dismiss a charge against an individual charged under subsection 1 if,
22 after a hearing, the court determines the peace officer did not possess a reasonable
23 and articulable suspicion to justify the initial seizure.