

## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 358 (Formerly HSB 83)	House Committee:	<b>PASSED</b> on February 15 (19-2)
Committee:	Public Safety	House Floor:	
Floor Manager:	Rep. Henderson	Senate Floor:	
Date:	March 13, 2023	Governor:	
Staff:	Amanda Wille (1-5230)		

### Eluding

- Increases penalties for eluding.
- Fiscal Note:** HF 358 will increase the length of stay for people convicted of eluding. Estimated cost to DOC is \$17,000 annually.

### Section by Section Analysis

#### Section 1 – Motor Vehicles and Law of the Road Temporary Restricted License (321.215)

A person convicted of eluding is currently not eligible for a temporary restricted license. This code section is changed to allow a person convicted of eluding to qualify for a TRL.

A person convicted of eluding must still meet all the TRL requirements (hardship, limited purpose, proof of financial responsibility).

#### Section 2 – Motor Vehicles and Law of the Road Temporary Restricted License (321.215)

Conforming changes with section 1

#### Section 3- Motor Vehicles and Law of the Road- Eluding or Attempting to Elude Pursuing Law Enforcement Vehicle (321.279)

Ensures a person who has been convicted of eluding (and not driving 25mph over the speed limit) and is then convicted a second time receives an increased penalty. This is an aggravated misdemeanor.

#### Section 4- Motor Vehicles and Law of the Road- Eluding or Attempting to Elude Pursuing Law Enforcement Vehicle (321.279)

A driver who eludes law enforcement and drives 25mph over the speed limit is guilty of a class "D" felony

A driver who eludes law enforcement law enforcement and drives 25mph over the speed limit is guilty of a class "C" felony for a second or subsequent offense.

Section 5- Motor Vehicles and Law of the Road- Eluding or Attempting to Elude Pursuing Law Enforcement Vehicle (321.279)

Conforming changes

Section 6- Operating While Intoxicated- Operating While Under the Influence of Alcohol or a Drug or While Having an Alcohol Concentration of .08 or More (OWI) (321J.2)

Conforming changes

Section 7- Deferred Judgement, Deferred or Suspended Sentence, Probation- Deferred Judgement, Deferred Sentence, or Suspended Sentences (907.3)

Conforming changes

Section 8 Deferred Judgement, Deferred or Suspended Sentence, Probation- Deferred Judgement, Deferred Sentence, or Suspended Sentences (907.3)

Conforming changes

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## **Amendment Analysis**