



## 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:	<b>PASSED</b> on March 14 (94-3)
Floor Manager:	Rep. Henderson	Senate Floor:	<b>PASSED</b> on April 17 (43-7)
Date:	April 18, 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

### **H- 1257- Henderson from Senate**

Clarifies a peace officer has the authority to make an arrest anywhere in the state, but peace officers shall not establish routine patrol outside of the jurisdiction of their employing agency.

This is in response to a previous AG opinion that brought in to question the ability of peace officers to conduct any work outside of their employing agencies jurisdiction.