

1 INTRODUCTION BY <sup>H</sup> Keyser Walt Trupin Manuel BILL NO. 226

2 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
3 32-2143, R.C.M. 1947, TO PROVIDE A PENALTY FOR RECKLESS  
4 DRIVING WHICH RESULTS FROM AN ATTEMPT TO FLEE FROM OR ELUDE  
5 A POLICE OFFICER."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
7 Section 1. Section 32-2143, R.C.M. 1947, is amended to  
8 read as follows:

9 "32-2143. Reckless driving. (a) Any person who drives  
10 any vehicle in willful or wanton disregard for the safety of  
11 persons or property is guilty of reckless driving.

12 (b) Every person convicted of reckless driving shall  
13 be punished upon a first conviction by imprisonment for a  
14 period of not more than ninety (90) days, or by fine of not  
15 less than twenty-five dollars (\$25.00) nor more than three  
16 hundred dollars (\$300.00), or by both such fine and  
17 imprisonment, and on a second or subsequent conviction shall  
18 be punished by imprisonment for not less than ten (10) days  
19 nor more than six (6) months, or by a fine of not less than  
20 fifty dollars (\$50.00) nor more than five hundred dollars  
21 (\$500.00), or by both such fine and imprisonment.

22 (c) Each person convicted of reckless driving arising

1 from an attempt on his part to flee from or elude a police  
2 officer who was lawfully in pursuit and whose vehicle was at  
3 the time in compliance with the requirements of 32-21-132  
4 shall be punished by imprisonment in the county or city jail  
5 for not less than 10 days or more than 6 months to which may  
6 be added at the discretion of the court a fine of not less  
7 than \$300 or more than \$500. On a second or subsequent  
8 conviction, he shall be punished by imprisonment for a term  
9 of not less than 30 days or more than 1 year to which may be  
10 added at the discretion of the court a fine of not less than  
11 \$500 or more than \$1,000.

12 (c)(d) Each end--every municipality in this state is  
13 hereby given authority to enact the foregoing paragraphs  
14 (a), end (b), and (c) of this section as an ordinance, and  
15 is hereby given jurisdiction of the enforcement of said  
16 ordinance and of the imposition of the fines and penalties  
17 therein provided."

-End-

HB226

STATE OF MONTANA

REQUEST NO. 142-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 21, 1977, there is hereby submitted a Fiscal Note for House Bill 226 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to amend Section 32-2143, R.C.M. 1947, to provide a penalty for reckless driving which results from an attempt to flee from or elude a police officer.

FISCAL IMPACT:

Statistics indicating the number of persons convicted of reckless driving arising from an attempt to flee from or elude a police officer are not available; therefore, no determination of fiscal impact can be made.

*Richard L. ...*  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: 1-26-77

Approved by Committee on Judiciary

1 INTRODUCTION BY <sup>H</sup> Heyses Nate Trupin Manuel BILL NO. 226

2 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
3 32-2143, R.C.M. 1947, TO PROVIDE A PENALTY FOR RECKLESS  
4 DRIVING WHICH RESULTS FROM AN ATTEMPT TO FLEE FROM OR ELUDE  
5 A POLICE OFFICER."

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
7 Section 1. Section 32-2143, R.C.M. 1947, is amended to  
8 read as follows:

9 "32-2143. Reckless driving. (a) Any person who drives  
10 any vehicle in willful or wanton disregard for the safety of  
11 persons or property is guilty of reckless driving.

12 (b) Every person convicted of reckless driving shall  
13 be punished upon a first conviction by imprisonment for a  
14 period of not more than ninety (90) days, or by fine of not  
15 less than twenty-five dollars (\$25.00) nor more than three  
16 hundred dollars (\$300.00), or by both such fine and  
17 imprisonment, and on a second or subsequent conviction shall  
18 be punished by imprisonment for not less than ten (10) days  
19 nor more than six (6) months, or by a fine of not less than  
20 fifty dollars (\$50.00) nor more than five hundred dollars  
21 (\$500.00), or by both such fine and imprisonment.

22 (c) Each person convicted of reckless driving arising

1 from an attempt on his part to flee from or elude a police  
2 officer who was lawfully in pursuit and whose vehicle was at  
3 the time in compliance with the requirements of 32-21-132  
4 shall be punished by imprisonment in the county or city jail  
5 for not less than 10 days or more than 6 months to which may  
6 be added at the discretion of the court a fine of not less  
7 than \$300 or more than \$500. On a second or subsequent  
8 conviction, he shall be punished by imprisonment for a term  
9 of not less than 30 days or more than 1 year to which may be  
10 added at the discretion of the court a fine of not less than  
11 \$500 or more than \$1,000.

12 ~~(c)(d)~~ Each and every municipality in this state is  
13 hereby given authority to enact the foregoing paragraphs  
14 (a), and (b) and (c) of this section as an ordinance, and  
15 is hereby given jurisdiction of the enforcement of said  
16 ordinance and of the imposition of the fines and penalties  
17 therein provided."

-End-

SECOND READING

HB 226

1 INTRODUCED BY <sup>H</sup> *Keyser* *Walt* *Trappe* *Manuel* BILL NO. *226*

2 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
3 32-2143, R.C.M. 1947, TO PROVIDE A PENALTY FOR RECKLESS  
4 DRIVING WHICH RESULTS FROM AN ATTEMPT TO FLEE FROM OR ELUDE  
5 A POLICE OFFICER."

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

7 Section 1. Section 32-2143, R.C.M. 1947, is amended to  
8 read as follows:

9 "32-2143. Reckless driving. (a) Any person who drives  
10 any vehicle in willful or wanton disregard for the safety of  
11 persons or property is guilty of reckless driving.

12 (b) Every person convicted of reckless driving shall  
13 be punished upon a first conviction by imprisonment for a  
14 period of not more than ninety (90) days, or by fine of not  
15 less than twenty-five dollars (\$25.00) nor more than three  
16 hundred dollars (\$300.00), or by both such fine and  
17 imprisonment, and on a second or subsequent conviction shall  
18 be punished by imprisonment for not less than ten (10) days  
19 nor more than six (6) months, or by a fine of not less than  
20 fifty dollars (\$50.00) nor more than five hundred dollars  
21 (\$500.00), or by both such fine and imprisonment.

22 ~~(c) Each person convicted of reckless driving arising~~

1 ~~from an attempt on his part to flee from or elude a police~~  
2 ~~officer who was lawfully in pursuit and whose vehicle was at~~  
3 ~~the time in compliance with the requirements of 32-21-132~~  
4 ~~shall be punished by imprisonment in the county or city jail~~  
5 ~~for not less than 10 days or more than 6 months to which may~~  
6 ~~be added at the discretion of the court a fine of not less~~  
7 ~~than \$300 or more than \$500. On a second or subsequent~~  
8 ~~conviction, he shall be punished by imprisonment for a term~~  
9 ~~of not less than 30 days or more than 1 year to which may be~~  
10 ~~added at the discretion of the court a fine of not less than~~  
11 ~~\$500 or more than \$1,000.~~

12 ~~(c)(d) Each and every municipality in this state is~~  
13 ~~hereby given authority to enact the foregoing paragraphs~~  
14 ~~(a), and (b), and (c) of this section as an ordinance, and~~  
15 ~~is hereby given jurisdiction of the enforcement of said~~  
16 ~~ordinance and of the imposition of the fines and penalties~~  
17 ~~therein provided."~~

-End-

March 15, 1977

SENATE  
STANDING COMMITTEE REPORT  
Judiciary Committee

That House Bill No. 226, third reading, be amended as follows:

1. Amend title, line 5.

Following: "TO"

Strike: "PROVIDE A PENALTY FOR"

Insert: "REDEFINE"

2. Amend title, lines 6 and 7.

Following: "DRIVING"

Strike: lines 6 and 7 in their entirety

Insert: "AND TO AMEND THE PENALTIES THEREFOR."

3. Amend page 1, section 1, line 12.

Following: "driving."

Strike: "(a) Any"

Insert: "(1) A"

Following: "person"

Strike: "who drives"

Insert: "commits the offense of reckless driving if he:

(a) operates"

4. Amend page 1, section 1, line 14.

Following: "property"

Strike: "is guilty of reckless driving"

Insert: "; or

(b) flees or attempts to flee from or elude a peace officer who is lawfully in pursuit and whose vehicle is at the time in compliance with the requirements of 32-21-132"

5. Amend page 1, section 1, line 15.

Following: line 14

Strike: "(b) Every"

Insert: "(2) A"

Following: "driving"

Insert: "under subsection (1)(a)"

6. Amend page 1, section 1, line 25 through line 3 on page 2.

Following: line 24

Strike: "(c) Each"

Insert: "(3) A"

Following: "driving"

Strike: lines 25 through line 3 on page 2 in their entirety

Insert: "under subsection (1)(b)"

p. 2  
H.B. 226

7. Amend page 2, section 1, lines 12, 13 and 14.

Following: "~~e~~"

Strike: "d"

Insert: "4"

Following: "state"

Strike: "is hereby given authority to"

Insert: "may"

Following: "enact"

Strike: "the foregoing paragraphs (a), (b) , and (c)"

Insert: "and enforce subsections (1) through (3)"

8. Amend page 2, section 1, lines 14 through 17.

Following: "an ordinance"

Strike: lines 14 through 17 in their entirety

Insert: "."

HOUSE BILL NO. 226

INTRODUCED BY KEYSER, NATHE, TRUPILA, MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 32-2143, R.C.M. 1947, TO PROVIDE--A PENALTY FOR REDEFINE RECKLESS DRIVING WHICH RESULTS FROM AN ATTEMPT TO FLEE--FROM OR ELUDE A POLICE OFFICER AND TO AMEND THE PENALTIES THEREFOR."

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

Section 1. Section 32-2143, R.C.M. 1947, is amended to read as follows:

\*32-2143. Reckless driving. ~~(a)~~ Any (1) A person who drives COMMITTS THE OFFENSE OF RECKLESS DRIVING IF HE:

(A) OPERATES any vehicle in willful or wanton disregard for the safety of persons or property ~~is guilty of reckless driving;~~ OR

(B) FLEES OR ATTEMPTS TO FLEE FROM OR ELUDE A PLACE OFFICER WHO IS LAWFULLY IN PURSUIT AND WHOSE VEHICLE IS AT THE TIME IN COMPLIANCE WITH THE REQUIREMENTS OF 32-21-132.

~~(a)~~ Every (2) A person convicted of reckless driving UNDER SUBSECTION (1)(A) shall be punished upon a first conviction by imprisonment for a period of not more than ninety (90) days, or by fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars

(\$300.00), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by both such fine and imprisonment.

~~(c)~~ Each (3) A person convicted of reckless driving arising from an attempt on his part to flee from or elude a police officer who was lawfully in pursuit and whose vehicle was at the time in compliance with the requirements of ~~32-21-132~~ UNDER SUBSECTION (1)(B) shall be punished by imprisonment in the county or city jail for not less than 10 days or more than 6 months to which may be added at the discretion of the court a fine of not less than \$300 or more than \$500. On a second or subsequent conviction, he shall be punished by imprisonment for a term of not less than 30 days or more than 1 year to which may be added at the discretion of the court a fine of not less than \$500 or more than \$1,000.

~~(c)~~ (4) Each and every municipality in this state is hereby given authority to MAY enact the foregoing paragraphs (a) and (b) and ~~(c)~~ AND ENFORCE SUBSECTIONS (1) THROUGH (3) of this section as an ordinance, and is hereby given jurisdiction of the enforcement of said ordinance and of the imposition of the fines and penalties therein provided."

HR 9226/07

-end-

HR 226

-3-