Senate
State of Minnesota

S.F. No. 2844 – Fleeing a Peace Officer

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S.F. No. 2844 addresses the crime of fleeing a peace officer in a motor vehicle. The bill creates a new penalty level for the offense and requires the revocation of the driver's license of a person convicted of it.

Section 1 requires the commissioner of public safety to revoke the driver's license of a person convicted of a violation of the new crime created in section 2 (fleeing in a culpably negligent manner) for four years. Current law already requires revocation for other fleeing offenses with the revocation period based on the severity of the underlying offense.

Section 2 establishes the crime of fleeing a peace officer in a motor vehicle while operating the vehicle in a culpably negligent manner whereby the perpetrator takes an unreasonable risk and consciously takes chances of causing death or great bodily harm to another. Of note, the culpable negligence standard is used in the second-degree manslaughter crime (and a few others) and is described in the Minnesota Criminal Jury Instruction Guide as "intentional conduct that the defendant may not have intended to be harmful, but that an ordinary and reasonably prudent person would recognize as involving a strong probability of injury to others."

Under current law, the base level crime of fleeing in a motor vehicle carries a three-year statutory maximum sentence. If the fleeing results in injury to another, the penalties are higher (40-year statutory maximum for death, seven years for great bodily harm, and five years for substantial bodily harm). The new crime established in this section has a statutory maximum sentence of four years imprisonment and/or payment of an $8,000 fine.

Sections 3 and 4 make conforming changes.