

CS FOR HOUSE BILL NO. 405(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/2/98

Referred: Today's Calendar

Sponsor(s): REPRESENTATIVES KOTT, Kohring

SENATORS Leman, Taylor, Donley, Kelly, Mackie, Phillips

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to failing to stop a vehicle when directed to do so by a peace**
2 **officer."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 28.35.182 is repealed and reenacted to read:

5 **Sec. 28.35.182. Failure to stop at direction of peace officer.** (a) A person
6 commits the offense of failure to stop at the direction of a peace officer in the first
7 degree if the person violates (b) of this section, and, during the commission of that
8 offense, the person violates a traffic law or commits another crime. In this subsection,

9 (1) "crime" has the meaning given in AS 11.81.900;

10 (2) "traffic law" has the meaning given in AS 28.15.261.

11 (b) A person commits the offense of failure to stop at the direction of a peace
12 officer in the second degree if the person, while driving or operating a vehicle or
13 motor vehicle or while operating an aircraft or watercraft, knowingly fails to stop as
14 soon as practical and in a reasonably safe manner under the circumstances when

1 requested or signaled to do so by a peace officer.

2 (c) In a prosecution under this section, it is an affirmative defense, if the peace
3 officer, when requesting or signaling the defendant to stop,

4 (1) was operating a vehicle, motor vehicle, aircraft, or watercraft, and
5 the vehicle, motor vehicle, aircraft, or watercraft

6 (A) did not meet lighting and audible signaling requirements of
7 law for law enforcement vehicles; and

8 (B) was not marked appropriately so that a reasonable person
9 would recognize it as a law enforcement vehicle; or

10 (2) was not operating a vehicle, motor vehicle, aircraft, or watercraft,
11 and the peace officer was not wearing the uniform of office or displaying a badge or
12 other symbol of authority so as to be reasonably identifiable as a peace officer.

13 (d) In this section,

14 (1) "knowingly" has the meaning given in AS 11.81.900;

15 (2) "signal" means a hand motion, audible mechanical or electronic
16 noise device, visual light device, or combination of them, used in a manner that a
17 reasonable person would understand to mean that the peace officer intends that the
18 person stop.

19 (e) Failure to stop at the direction of a peace officer in the first degree is a
20 class C felony punishable as provided in AS 12.55. Failure to stop at the direction of
21 a peace officer in the second degree is a class A misdemeanor.