

HOUSE BILL NO. 405

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES KOTT, Kohring

Introduced: 2/12/98

Referred: Judiciary

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4 * **Section 1.** AS 28.35.182 is repealed and reenacted to read: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 another law, ordinance, or traffic regulation.

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

14 (c) In a prosecution under this section, it is an affirmative defense, if the peace

1 officer, when requesting or signaling the defendant to stop,

2 (1) was operating a vehicle, motor vehicle, aircraft, or watercraft, and
3 the vehicle, motor vehicle, aircraft, or watercraft

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

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

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

11 (d) In this section,

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

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

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