

**SENATE BILL NO. 300**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY SENATOR LEMAN

Introduced: 2/12/98

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the offense of failure to stop a vehicle when directed by a  
2 peace 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4 \* **Section 1.** AS 28.35.182 is repealed and reenacted to read: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.