

Introduced: 1/12/84
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY LISKA AND SZYMANSKI

2

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 446

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the duty to stop at the direction

7

of a peace officer."

8

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

9

* Section 1. AS 11.56 is amended by adding a new section to read:

10

Sec. 11.56.730. OBEDIENCE TO PEACE OFFICER. (a) A person not

11

covered by the provisions of AS 28.35.182 shall stop as soon as prac-

12

tical and in a reasonably safe manner under the circumstances, if

13

requested or signalled to do so for a lawful purpose by a person

14

reasonably identifiable as a peace officer.

15

(b) If the peace officer is driving or operating a vehicle or

16

motor vehicle or is operating an aircraft or watercraft when making

17

the request or giving the signal to stop, the peace officer's vehicle,

18

motor vehicle, aircraft, or watercraft shall be marked appropriately,

19

or shall meet lighting and audible signalling requirements of law, so

20

that a reasonable person would recognize it as one related to law

21

enforcement. If the peace officer is not driving or operating a

22

vehicle or motor vehicle, or operating an aircraft or watercraft, the

23

officer shall display a badge or other symbol of authority so as to be

24

reasonably identifiable as a peace officer.

25

(c) A person who wilfully fails to stop in violation of (a) of

26

this section is guilty of a class B misdemeanor.

27

(d) In this section, "signal" means a hand motion, voice com-

28

mand, audible mechanical or electronic noise device, visual light

29

device, or combination of them, used in a manner that a reasonable

1 person would understand to mean that the peace officer intends that
2 the person stop.

3 * Sec. 2. AS 28.35 is amended by adding new sections to read:

4 Sec. 28.35.182. STOPPING AT DIRECTION OF PEACE OFFICER. (a) A
5 person driving or operating a vehicle or motor vehicle, or operating
6 an aircraft or watercraft, shall stop as soon as practical and in a
7 reasonably safe manner under the circumstances, if requested or
8 signalled to do so for a lawful purpose by a person reasonably identi-
9 fiable as a peace officer.

10 (b) If the peace officer is driving or operating a vehicle or
11 motor vehicle or is operating an aircraft or watercraft when making
12 the request or giving the signal to stop, the peace officer's vehicle,
13 motor vehicle, aircraft or watercraft shall be marked appropriately,
14 or shall meet lighting and audible signalling requirements of law, so
15 that a reasonable person would recognize it as one related to law
16 enforcement. If the peace officer is not driving or operating a
17 vehicle or motor vehicle, or operating an aircraft or watercraft, the
18 officer shall display a badge or other symbol of authority so as to be
19 reasonably identifiable as a peace officer.

20 (c) A person who wilfully fails to stop in violation of (a) of
21 this section is guilty of a class B misdemeanor.

22 (d) In this section, "signal" means a hand motion, audible
23 mechanical or electronic noise device, visual light device, or com-
24 bination of them, used in a manner that a reasonable person would
25 understand to mean that the peace officer intends that the person
26 stop.

27 Sec. 28.35.184. FLIGHT FROM PEACE OFFICER. A person driving or
28 operating a vehicle or motor vehicle, or operating an aircraft or
29 watercraft, who wilfully violates AS 28.35.182, and who drives or

1 operates a vehicle or motor vehicle, or operates an aircraft or water-
2 craft, in a manner indicating a wilful or wanton disregard for the
3 lives and property of others while attempting to elude a pursuing
4 peace officer, after being requested or signalled to stop under
5 AS 28.35.182, is guilty of a class C felony.