

**HB**

**405**

# Alaska State Legislature House of Representatives

## Committees

Rules Committee, Chair  
Legislative Council  
International Trade & Tourism  
Military & Veterans Affairs  
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Interim:  
10928 Eagle River Rd. Suite 141  
Eagle River, AK 99577

Session:  
Alaska State Capitol  
Juneau, AK 99801

## SPONSOR STATEMENT HB 405

HB 405 increases the penalties for not stopping at the direction of a police officer. Failure to stop at the direction of a police officer in the first degree occurs if during the commission of the offense the person violates any other law and is a Class C felony. Failure to stop at the direction of a peace officer in the second degree occurs if the person knowingly fails to stop as soon as possible in a safe manner and is a Class A misdemeanor.

The crime of eluding a police officer is inherently dangerous for pedestrians, other drivers and innocent bystanders. As an example in the Municipality of Anchorage in August of 1998, a passenger in a vehicle attempting to avoid arrest was killed when the vehicle ran a red light and struck a building. This is only one of several recent incidents where casualties have resulted from this very serious crime.

Increasing the penalties for this crime will not only help deter this potentially dangerous behavior but will more correctly align the severity of the punishment with the severity of the crime itself.

I urge your support for this legislation.

**Representative Pete Kott**

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Rick Mystrom,  
Mayor

# ANCHORAGE POLICE DEPARTMENT

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Service since 1921

February 13, 1998

Representative Pete Kott  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, Alaska 99801-1182

Dear Representative Kott:

This note is to thank you for your support of HB 405, which will amend certain sections of AS 28.35.182, *Failure to Stop at Direction of Peace Officer*. As you well know, those who flee police officers often put many others at risk of injury or death in their attempt to elude capture. The law, as currently written, fails to hold violators accountable for the seriousness of this crime.

Since the Anchorage Police Department severely restricted its pursuit policy several years ago in the name of public safety, eluding officers has become more common. Even if caught later, drivers faced minor penalties. This new legislation will serve notice to those who consider fleeing that non-compliance can result in a felony conviction, and that Alaska will not tolerate those who recklessly threaten the lives of others.

Again, thanks for your help in bringing this legislation forward.

Sincerely,

Duane S. Udland  
Chief of Police

DSU/ros

**MUNICIPALITY OF ANCHORAGE  
1998 LEGISLATIVE PROGRAM  
LEGISLATIVE ISSUES**

**TITLE:        Making the Crime of Eluding a Police Officer a Class C  
                 Felony**

Currently, the crime of eluding a police officer is a Class A misdemeanor under the Alaska Criminal Code. The Municipality of Anchorage requests that the Legislature amend the code to make this crime a Class C felony for the following reasons:

- The crime of eluding a police officer is inherently dangerous for pedestrians, other drivers, and innocent bystanders.
- Classification as a Class A misdemeanor does little to deter a criminal from attempting to outrun a police officer.
- Several other local government Police Departments including the Anchorage Police Department have adopted a "no-chase" policy due to the potentially dangerous outcome of police chases. Having adopted a "no-chase" policy, it is important to deter this behavior and more strictly punish offenders.

In August of this year, a passenger in a vehicle attempting to evade arrest was killed when the vehicle ran a red light and struck a building. This is only one of several recent incidents where casualties have resulted from this very serious crime.

The Municipality of Anchorage supports legislation to increase the penalty for the crime of eluding a police officer. This will not only help deter this potentially dangerous behavior but will more correctly align the severity of the punishment with the severity of the crime itself.

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