

# Sponsor Statement for HB 381 am S

## Failure To Stop For Peace Officer

*An Act relating to the crime of failure to stop at the direction of a peace officer; and providing for an effective date.*

**Released:** May 12, 2002

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In 1998 state law was amended to address the problem of purposefully attempting to elude a peace officer. When an individual failed to stop at the direction of a peace officer and committed another crime, the level of the offense was raised from a misdemeanor to a felony.

Unfortunately, the unintended result since the law was amended has been that the number of felony eluding charges has increased each year, while convictions have dropped. Not all situations rise to the level of a felony. Under the current law, an individual could fail to stop for a peace officer and if a taillight on their vehicle was broken, they could be charged with a felony under a broad interpretation of this law. A felony could be charged even though the driver did not attempt to speed away or knowingly elude the peace officer. In calendar year 2000, only 35.8 percent of the cases charged resulted in a felony conviction.

This bill clarifies the intent of the legislature in 1998, which was to increase penalties in certain situations in order to reduce the number of cases where a driver makes the decision to elude a peace officer who is attempting to stop the vehicle. These cases usually result when a peace officer attempts to stop a driver, and then the driver generally speeds away, running red lights or taking other actions that run the risk of serious harm to pedestrians, other drivers or the police officers attempting to make the stop.

This proposed amendment would make eluding a peace officer rise to a felony only if an individual also drove recklessly, committed vehicle theft, or caused an accident or serious physical injury. This change would clarify Alaska Statute 28.35.182 for law enforcement officers as to when the perpetrator should be charged with a felony instead of a misdemeanor.

The committee urges your support of this bill.