

AVOIDING APPREHENSION AMENDMENT

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Michael G. Waddoups

LONG TITLE

General Description:

This bill establishes a specific offense of failure to stop at the command of a peace officer in situations where the offender is not operating a vehicle.

Highlighted Provisions:

This bill:

- ▶ provides that fleeing a peace officer with the intent to avoid ~~§~~ [detention or] ~~←~~§ arrest

is a

~~§~~ [third degree felony] class A misdemeanor ~~←~~§ ; and

- ▶ clarifies that this offense is a separate offense from the existing offense of an offender's failure to stop at the command of an officer while the offender is operating a motor vehicle.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-8-305.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-8-305.5** is enacted to read:

76-8-305.5. Failure to stop at the command of a law enforcement officer.



28 A person is guilty of a ~~§~~→ [third degree felony] class A misdemeanor ←~~§~~ who flees from
 28a or otherwise attempts to
 29 elude a law enforcement officer:
 30 (1) after the officer has issued a verbal or visual command to stop;
 31 (2) for the purpose of avoiding ~~§~~→ [detention-or] ←~~§~~ arrest; and
 32 (3) by any means other than a violation of Section 41-6-13.5 regarding failure to stop a
 33 vehicle at the command of a law enforcement officer.

Legislative Review Note
 as of 1-26-05 10:11 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

AMENDED BILL

State Impact

This bill has state and local government fiscal impact. It is estimated that an ongoing FY 2006 General Fund appropriation of \$248,200, divided between the Courts and the Department of Corrections is required to address the workload generated by provisions of this bill. The workload could increase in subsequent years.

Revenue collected from the fines of the increased penalty would go to the General Fund. Revenue would also be added to a number of restricted funds for special purposes from the surcharge on criminal fines and penalties. The General Fund revenue would be used to offset the General Fund appropriation making the bill state revenue neutral the first year. Correctional costs could escalate for two years before leveling off.

Local government may also be impacted. There could be a reduction of local revenue of approximately \$100,000 with a commensurate reduction in local court workload. Local corrections costs could increase due to the enhanced penalties as a result of more individuals being sent to local jails without jail reimbursement.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
General Fund	\$248,200	\$303,500	\$250,000	\$250,000
Restricted Funds	\$0	\$0	\$212,500	\$212,500
TOTAL	\$248,200	\$303,500	\$462,500	\$462,500

Individual and Business Impact

This bill increases penalties by up to \$2,700 and potentially increases jail time. Persons convicted of crimes under the provisions of this bill could spend more time incarcerated reducing their ability to generate personal income.

Office of the Legislative Fiscal Analyst