

Effective 5/8/2018

Effective until 5/1/2024

76-8-1403 Evading law enforcement by going onto school property -- Penalty -- Restitution.

(1) As used in this section:

- (a) "School" means any public or private kindergarten, elementary, or secondary school through grade 12, including all buildings and property of the school.
- (b) "School property" means real property:
 - (i) that is owned or occupied by a public or private school; or
 - (ii)
 - (A) that is temporarily occupied by students for a school-related activity or program; and
 - (B) regarding which, during the time the activity or program is being conducted, the main use of the real property is allocated to participants in the activity or program.

(2) A person is guilty of the class A misdemeanor of evading law enforcement while on school property, if the person enters onto school property when:

- (a) students are attending the school or students are participating in any school-related activity or program on school property; and
- (b) the person is in the act of fleeing or evading, or attempting to flee or evade, pursuit or apprehension by any peace officer.

(3) It is not a defense that the person did not know that the person had entered onto school property.

(4) As a part of the sentence for violation of this section, the court shall order the defendant to reimburse the school for costs incurred by the school in responding to the defendant's presence on the school property.

(5) The offense under this section of evading law enforcement while on school property is a separate offense from a violation of:

- (a) Section 41-6a-210, regarding failure to respond to an officer's signal to stop; or
- (b) Section 76-8-305.5, regarding failure to stop at the command of a peace officer.