

1 **AVOIDING APPREHENSION AMENDMENT**

2 2005 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Michael G. Waddoups**

5

LONG TITLE

6 **General Description:**

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

9 **Highlighted Provisions:**

10 This bill:

- 11 ▶ provides that fleeing a peace officer with the intent to avoid detention or arrest is a
12 third degree felony; and
13 ▶ clarifies that this offense is a separate offense from the existing offense of an
14 offender's failure to stop at the command of an officer while the offender is
15 operating a motor vehicle.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **76-8-305.5**, Utah Code Annotated 1953

23

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

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

25 **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 who flees from 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

State Impact

This bill has significant state and local government impact. It is estimated that a FY 2006 General Fund appropriation of \$1,247,000, divided between the Courts and the Department of Corrections is required to address the increased workload and penalty. Additional revenue would also be collected to the General Fund from the increased penalty. This would be used to offset a portion of the General Fund appropriation. Local government may also be impacted with additional expenses for court costs and additional jail time for offenders.

	<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	\$1,247,000	\$1,563,100	\$112,000	\$113,000
TOTAL	\$1,247,000	\$1,563,100	\$112,000	\$113,000

Individual and Business Impact

This bill increases penalties by up to \$200 and increased jail or prison 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