

PEACE OFFICER AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: A. Cory Maloy

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill clarifies that it is unlawful to flee from a peace officer.

Highlighted Provisions:

This bill:

- ▶ changes the statute for failure to stop at the command of a law enforcement officer, to failure to stop at the command of a peace officer; and
- ▶ makes technical amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-8-305.5, as enacted by Laws of Utah 2005, Chapter 288

76-8-1403, as enacted by Laws of Utah 2009, Chapter 284

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

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

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

A person is guilty of a class A misdemeanor who flees from or otherwise attempts to



28 elude a [~~law enforcement~~] peace officer:

- 29 (1) after the officer has issued a verbal or visual command to stop;
- 30 (2) for the purpose of avoiding arrest; and
- 31 (3) by any means other than a violation of Section 41-6a-210 regarding failure to stop a
- 32 vehicle at the command of a [~~law enforcement~~] peace officer.

33 Section 2. Section 76-8-1403 is amended to read:

34 **76-8-1403. Evading law enforcement by going onto school property -- Penalty --**
35 **Restitution.**

36 (1) As used in this section:

37 (a) "School" means any public or private kindergarten, elementary, or secondary school
38 through grade 12, including all buildings and property of the school.

39 (b) "School property" means real property:

40 (i) that is owned or occupied by a public or private school; or

41 (ii) (A) that is temporarily occupied by students for a school-related activity or
42 program; and

43 (B) regarding which, during the time the activity or program is being conducted, the
44 main use of the real property is allocated to participants in the activity or program.

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

47 (a) students are attending the school or students are participating in any school-related
48 activity or program on school property; and

49 (b) the person is in the act of fleeing or evading, or attempting to flee or evade, pursuit
50 or apprehension by any peace officer.

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

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

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

58 (a) Section 41-6a-210, regarding failure to respond to an officer's signal to stop; or

59 (b) Section 76-8-305.5, regarding failure to stop at the command of a [law
60 enforcement] peace officer.

Legislative Review Note
Office of Legislative Research and General Counsel