

HOUSE BILL No. 2442

By Committee on Corrections and Juvenile Justice

1-16

1 AN ACT concerning the uniform act regulating traffic; increasing criminal
2 penalties for fleeing and eluding; amending K.S.A. 2013 Supp. 8-1568
3 and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 Supp. 8-1568 is hereby amended to read as
7 follows: 8-1568. (a) (1) Any driver of a motor vehicle who willfully fails
8 or refuses to bring such driver's vehicle to a stop for a pursuing police
9 vehicle or police bicycle, when given visual or audible signal to bring the
10 vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or
11 (3).

12 (2) Any driver of a motor vehicle who willfully otherwise flees or
13 attempts to elude a pursuing police vehicle or police bicycle, when given
14 visual or audible signal to bring the vehicle to a stop, shall be guilty as
15 provided by subsection (c)(1), (2) or (3).

16 (3) It shall be an affirmative defense to any prosecution under
17 ~~paragraph (1) of this subsection (a)(1)~~ that the driver's conduct in violation
18 of such paragraph was caused by such driver's reasonable belief that the
19 vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or
20 police bicycle.

21 (b) Any driver of a motor vehicle who willfully fails or refuses to
22 bring such driver's vehicle to a stop, or who otherwise flees or attempts to
23 elude a pursuing police vehicle or police bicycle, when given visual or
24 audible signal to bring the vehicle to a stop, and who: (1) Commits any of
25 the following during a police pursuit: (A) Fails to stop for a police road
26 block; (B) drives around tire deflating devices placed by a police officer;
27 (C) engages in reckless driving as defined by K.S.A. 8-1566, and
28 amendments thereto; (D) is involved in any motor vehicle accident or
29 intentionally causes damage to property; or (E) commits five or more
30 moving violations; or

31 (2) is attempting to elude capture for the commission of any felony,
32 shall be guilty as provided in subsection (c)(4).

33 (c) (1) Violation of subsection (a), upon a:

34 (A) First conviction is a class ~~BA~~ nonperson misdemeanor;

35 ~~(2) Violation of subsection (a), upon a (B) second conviction is a~~
36 ~~class A nonperson misdemeanor.~~ severity level 9, person felony; or

- 1 ~~(3) Violation of subsection (a), upon a (C)~~ third or subsequent
2 conviction is a severity level 96, person felony.
- 3 ~~(4)~~(2) Violation of subsection (b) is a:
- 4 (A) Severity level 9, person felony *except as provided further;*
5 (B) *severity level 6, person felony upon a second conviction within*
6 *the immediately preceding five years; or*
7 (C) *severity level 5, person felony upon a third or subsequent*
8 *conviction within the immediately preceding 10 years.*
- 9 (d) The signal given by the police officer may be by hand, voice,
10 emergency light or siren:
- 11 (1) If the officer giving such signal is within or upon an official police
12 vehicle or police bicycle at the time the signal is given, the vehicle or
13 bicycle shall be appropriately marked showing it to be an official police
14 vehicle or police bicycle; or
- 15 (2) if the officer giving such signal is not utilizing an official police
16 vehicle or police bicycle at the time the signal is given, the officer shall be
17 in uniform, prominently displaying such officer's badge of office at the
18 time the signal is given.
- 19 (e) For the purpose of this section:
- 20 (1) "Conviction" means a final conviction without regard whether
21 sentence was suspended or probation granted after such conviction.
22 Forfeiture of bail, bond or collateral deposited to secure a defendant's
23 appearance in court, which forfeiture has not been vacated, shall be
24 equivalent to a conviction.
- 25 (2) "Appropriately marked" official police vehicle or police bicycle
26 shall include, but not be limited to, any police vehicle or bicycle equipped
27 with functional emergency lights or siren or both and which the emergency
28 lights or siren or both have been activated for the purpose of signaling a
29 driver to stop a motor vehicle.
- 30 (f) The division of vehicles of the department of revenue shall
31 promote public awareness of the provisions of this section when persons
32 apply for or renew such person's driver's license.
- 33 Sec. 2. K.S.A. 2013 Supp. 8-1568 is hereby repealed.
- 34 Sec. 3. This act shall take effect and be in force from and after its
35 publication in the statute book.