

**FLEEING IN A STOLEN VEHICLE -
PENALTY**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon J. Greiner

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Traffic Code regarding failure to stop at the direction of an officer.

Highlighted Provisions:

This bill:

► amends the offense of failure to stop a vehicle at an officer's signal by increasing the penalty from a third degree felony to a second degree felony for a second conviction and also if the operator of the vehicle knew or should have known the vehicle was stolen.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-210, as renumbered and amended by Laws of Utah 2005, Chapter 2

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

Section 1. Section **41-6a-210** is amended to read:



28 **41-6a-210. Failure to respond to officer's signal to stop -- Fleeing -- Causing**
29 **property damage or bodily injury -- Suspension of driver's license -- Forfeiture of vehicle**
30 **-- Penalties.**

31 (1) ~~[(a)]~~ An operator who receives a visual or audible signal from a peace officer to
32 bring the vehicle to a stop may not:

33 ~~[(i)]~~ (a) operate the vehicle in willful or wanton disregard of the signal so as to interfere
34 with or endanger the operation of any vehicle or person; or

35 ~~[(ii)]~~ (b) attempt to flee or elude a peace officer by vehicle or other means.

36 ~~[(b)(i)]~~ A person who violates Subsection (1)(a) is guilty of a felony of the third
37 degree.]

38 ~~[(ii)]~~ The court shall, as part of any sentence under this Subsection (1), impose a fine of
39 not less than \$1,000.]

40 (2) (a) An operator who violates Subsection (1) is guilty of a felony of the third degree,
41 except under Subsection (3).

42 (b) The court shall, as part of any sentence under this Subsection (2), impose a fine of
43 not less than \$1,000.

44 ~~[(2)]~~ (3) (a) An operator who violates Subsection (1) ~~[and while so doing]~~ is guilty of a
45 second degree felony if:

46 (i) the violation results in a second or subsequent conviction of a violation of this
47 section;

48 (ii) while violating Subsection (1) the operator causes death or serious bodily injury to
49 another person[;] under circumstances not amounting to murder or aggravated murder[; is
50 guilty of a felony of the second degree.]; or

51 (iii) the violation is committed while operating a vehicle the operator knew or should
52 have known is stolen.

53 (b) The court shall, as part of any sentence under this Subsection ~~[(2)]~~ (3), impose a
54 fine of not less than \$5,000.

55 ~~[(3)]~~ (4) (a) In addition to the penalty provided under this section or any other section,
56 ~~[a person]~~ the driver license of a person who violates ~~[Subsection (1)(a) or (2)(a) shall have the~~
57 ~~person's driver license]~~ this section shall be revoked under Subsection 53-3-220(1)(a)(ix) for a
58 period of one year.

59 (b) (i) The court shall forward the report of the conviction to the division.

60 (ii) If the person is the holder of a driver license from another jurisdiction, the division

61 shall notify the appropriate officials in the licensing state.

Legislative Review Note

as of 8-12-09 7:17 AM

Office of Legislative Research and General Counsel

S.B. 86 - Fleeing in a Stolen Vehicle - Penalty

Fiscal Note

2010 General Session
State of Utah

State Impact

The net total General Fund impact of enacting this bill is estimated at \$294,000 in FY 2011 and \$589,400 in FY 2012. Each year thereafter, net annual costs from the General Fund are expected to be \$738,600. The Department of Corrections would require the following: in FY 2011, \$290,600; in FY 2012, \$581,300; in FY 2013, \$728,100. The Board of Pardons would require the following: in FY 2011, \$4,800; in FY 2012, \$9,500; in FY 2013, \$11,900. Courts would require \$4,800 each year. This bill will annually generate \$6,200 to the General Fund.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	\$744,800	\$744,800	\$0	\$6,200	\$6,200
General Fund, One-Time	\$0	(\$444,600)	(\$149,200)	\$0	\$0	\$0
Total	\$0	\$300,200	\$595,600	\$0	\$6,200	\$6,200

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
