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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 14, 2023
Subject: Bill Brief for SB 174

Senate Bill 174 increases criminal penalties for the crime of interference with law enforcement when the violation involves fleeing from a law enforcement officer.

The bill amends K.S.A. 21-5904, the criminal code statute concerning interference with law enforcement. The current crime is: (1) Falsely reporting certain information to law enforcement; (2) concealing, destroying or materially altering evidence with the intent to prevent or hinder the apprehension or prosecution of any person; or (3) knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty. New subsection (a)(4) provides that the crime includes knowingly fleeing from a law enforcement officer who has reason to stop the person under K.S.A. 22-2402, other than fleeing by operation of a motor vehicle. K.S.A. 22-2402 provides that “[w]ithout making an arrest, a law enforcement officer may stop any person in a public place whom such officer reasonably suspects is committing, has committed or is about to commit a crime and may demand of the name, address of such suspect and an explanation of such suspect’s actions.” Fleeing or attempting to elude a police officer in a motor vehicle is a separate offense under current law in K.S.A. 8-1568.

New subsection (b)(6) provides that a violation of new subsection (a)(4) is a: (1) Class A nonperson misdemeanor in the case of a misdemeanor, or resulting from any authorized disposition for a misdemeanor, or a civil case; (2) severity level 7, nonperson felony in the case of a felony, or resulting from parole or any authorized disposition for a felony; and (3) severity level 5, nonperson felony if the offender possessed a firearm while fleeing.