



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Assembly Bill 678

Assembly Amendments 1 and 2

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CURRENT LAW

Current law¹ prohibits a vehicle operator having received a visual or audible signal to stop his or her vehicle from a traffic officer or **marked police vehicle** from doing either of the following:

- Knowingly resisting the officer by failing to stop his or her vehicle as promptly as safety reasonably permits.
- Knowingly fleeing or attempting to elude any officer by willful or wanton disregard of such signal so as to interfere with or endanger the operation of the police vehicle the officer or other vehicle or pedestrians. The operator is also prohibited from increasing the speed of the operator's vehicle or extinguishing the lights of the vehicle in an attempt to elude or flee.

2017 ASSEMBLY BILL 678

Assembly Bill 678 replaces reference to "marked police vehicle" with "an **authorized emergency vehicle**² that the operator knows or should reasonably know if being operated by a law enforcement officer."

¹ Current law also generally requires a vehicle operator to yield the right-of-way to any approaching authorized emergency vehicle giving audible signal by siren. [s. 346.19, Stats.]

² "Authorized emergency vehicle" is defined in s. 340.01 (3), Stats., and includes numerous vehicle types (e.g., police vehicles operated by law enforcement officers).

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 replaces reference to “marked police vehicle” with a different reference than what is used in the bill. Specifically, Assembly Amendment 1 replaces this reference with “**marked or unmarked police vehicle** that the operator knows or should reasonably know if being operated by a law enforcement officer.”

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 prohibits a person from failing to stop upon having received a visible or audible signal to stop his or her vehicle from a federal law enforcement officer.

BILL HISTORY

Representative Kleefisch offered Assembly Amendment 1 to 2017 Assembly Bill 678 on January 4, 2018 and Assembly Amendment 2 on January 22, 2018. On January 25, 2018, the Assembly Committee on Criminal Justice and Public Safety voted unanimously to recommend adoption of Amendments 1 and 2 and passage of the bill, as amended.

DM:jal