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FLOOR DEBATE

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be knowledge on the part of the person who is accused of eluding or fleeing. If you do not know that an attempt is being made to apprehend you, you cannot be convicted of trying to avoid arrest. This language does not require any knowledge on the part of the person, nor does it say that these things are being done with the intent to elude. It's going to create a presumption of a crime because of certain conduct that is not even intentional and is not even done knowingly. If you look at this information, some people drive with their headlights on, I don't call them headlamps. My car is more modern, but you drive your horse and buggy with the headlamps on, and you drive your modern cars, such as mine, with the headlights on in the daytime. So I turn my lights off, my headlights off in the daytime. It doesn't cause me to be unable to see the road. It does not obscure my vehicle so that nobody can see it. So there would have to be additional language, even if you put intent and some of these other things in it to make what you're prohibiting have some connection to the crime that the person is being charged with. Turning off headlamps while the motor vehicle is in motion is not in and of itself a crime. It is not...it cannot be shown that it's done to evade detection because it doesn't say that it's done at night, or at a time when people customarily have their headlamps on, or under circumstances where a person would receive a citation if the headlamps were not on, or abandoning the motor vehicle while a peace officer is attempting to effectuate a stop of the motor vehicle. So I guess that means that let's say in this case you know you're being pursued. You jump out of the car while it is still rolling, and maybe some people do that. If the officer is attempting to effectuate a stop, it doesn't say it's an attempt to effectuate a stop because a crime has been committed, or that the person has done anything wrong. It makes these things elements of eluding or attempting to elude a peace officer or attempting to elude pursuit. Which is it? Or are they the same? Is attempting to elude pursuit by a peace officer...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...the same as attempting to elude a peace officer? If you're attempting to elude pursuit, you could say that means the officer is in a car. If you're attempting to