

ORG. No.: _____

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ORDINANCE NO. 51-888

AN ORDINANCE AMENDING SECTION 11.16.050 OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO OBEDIENCE TO POLICE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 11.16.050 of the Code of the City of Wichita, Kansas is hereby amended to read as follows:

“Obedience to police required.

- (a) No person shall knowingly fail or refuse to comply with any lawful order or direction of any police officer or Community Service Officer of this city vested by law with authority to direct, control or regulate traffic and shall be guilty as provided by subsection (d)(1).
- (b) No person shall disobey or drive around any traffic cones, or other traffic marking or directional devices, or an occupied or unoccupied police vehicle that is utilizing its emergency or hazard lights and has been placed in a position as to block vehicles from proceeding through a lane of traffic, an accident scene, fire scene, crime scene or any other official law enforcement activity.

- (c) (1) Any driver of a motor vehicle who knowingly fails or refuses to bring such driver's vehicle to a stop for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (d)(2).
 - (2) Any driver of a motor vehicle who knowingly otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (d)(2).
 - (3) It shall be an affirmative defense to any prosecution under subsection (c)(1) that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.
- (d) (1) Every person convicted of violating subsections (a) and (b) is guilty of a misdemeanor and shall be punished in the manner provided in Section 1.04.060 of this Code.
- (2) Every person convicted of violating sub-section (c) is guilty of a misdemeanor and a first conviction is punishable by a maximum term of 6 months in jail, a \$1,000 fine, or a combination of both. A second conviction is punishable by a maximum term of 12 months jail, a \$2,500 fine, or a combination of both.
- (e) The signal given by the police officer may be by hand, voice, emergency light or siren:

- (1) If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or
 - (2) If the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.
- (f) For the purpose of this section:
 - (1) "Conviction" means a final conviction without regard to whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction. For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section it is irrelevant whether an offense occurred before or after conviction for a previous offense.
 - (2) "Appropriately marked" official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle."

SECTION 2. The original of Section 11.16.050 is hereby repealed.

SECTION 3. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 28th day of June, 2022.

Brandon J. Whipple, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer Magaña
City Attorney and Director of Law