

HCS HB 1620 -- RESISTING ARREST

SPONSOR: Shawan

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention and Public Safety by a vote of 9 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 10 to 0.

The following is a summary of the House Committee Substitute for HB 1620.

This bill specifies that a person commits the offense of resisting arrest by fleeing in a motor vehicle if he or she resists an arrest, stop or detention by fleeing from law enforcement in a motor vehicle and, during the course of fleeing, drives at a speed in a manner that demonstrates a disregard for the safety of a person or property, including that of the pursuing officer or other occupants of the fleeing vehicle. The offense of resisting arrest by fleeing in a motor vehicle is a class E felony. For a second or subsequent conviction, it is a class D felony.

If, during the commission of resisting arrest by fleeing in a motor vehicle, serious bodily injury or death to another person, including any officer, results, the person is guilty of the offense of aggravated resisting arrest by fleeing in a motor vehicle, which is a class D felony. For a second or subsequent conviction, it is a class C felony.

The House Committee Substitute specifies that a prosecuting attorney shall not be required to prove that the defendant knew why he or she was being stopped, arrested, or detained.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this does not make the offense of resisting arrest on its own a felony; this applies when someone is specifically fleeing in a vehicle and is driving in such a way that endangers lives. The legislature is proposing many reforms but it is not doing anything about protecting law enforcement with the reforms. This is a big issue because people need to know that there will be significant penalties if they flee from police.

Testifying for the bill were Representative Shawan; Alonzo Bradwell; Missouri Troopers Association; Brent Hugh, Missouri Bicycle And Pedestrian Federation; Jeff Weber, Cass County Sheriff's Office; Kevin F. Jorz; Missouri Association of

Prosecuting Attorneys and Missouri Office Prosecutor Service;
Missouri Fraternal Order of Police; St. Louis Police Officers
Association; Kansas City Fraternal Order of Police; Robert Adams;
Robert Shockey, Missouri Police Chiefs Association; Ben Barbarick,
Cass County Sheriff's Association; Blake Adams; Craig McMein; David
Rodgers; Kevin Neville; Mitch Phillips; Nicholas Sack; and Dale A.
Schmidt, Missouri Peace Officers Association.

OPPONENTS: There was no opposition voiced to the committee.