

FIRST REGULAR SESSION

HOUSE BILL NO. 301

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAFFNER.

0462H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to the offense of resisting or interfering with arrest, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 575.150, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 575.150, to read as follows:

575.150. 1. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

(1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

(2) Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

2. This section applies to:

(1) Arrests, stops, or detentions, with or without warrants;

(2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and

(3) Arrests for warrants issued by a court or a probation and parole officer.

3. **A person commits the offense of resisting arrest by fleeing in a motor vehicle if he or she resists an arrest, a stop, or a detention by fleeing in a motor vehicle from a law enforcement officer and, during the course of fleeing, drives at a speed or in a manner that demonstrates a disregard for the safety of any person or property, including that of the pursuing officer or other occupants of the fleeing vehicle.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **4. A person commits the offense of aggravated resisting arrest by fleeing in a motor**
19 **vehicle if he or she resists an arrest, a stop, or a detention by fleeing in a motor vehicle**
20 **from a law enforcement officer and, during the course of fleeing, drives at a speed or in a**
21 **manner that demonstrates a disregard for the safety of any person or property, including**
22 **that of the pursuing officer or other occupants of the fleeing vehicle, and that results in**
23 **serious bodily injury or death to another person, including any officer.**

24 **5.** A person is presumed to be fleeing a vehicle stop if he or she continues to operate a
25 motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has
26 heard or should have heard an audible signal emanating from the law enforcement vehicle
27 pursuing him or her.

28 [4.] **6.** It is no defense to a prosecution pursuant to subsection 1, **3, or 4** of this section
29 that the law enforcement officer was acting unlawfully in making the arrest. However, nothing
30 in this section shall be construed to bar civil suits for unlawful arrest.

31 **7. Nothing in this section shall be construed to require the state to prove in a**
32 **prosecution against a defendant that the defendant knew why he or she was being stopped,**
33 **detained, or arrested.**

34 [5-] **8.** The offense of resisting or interfering with an arrest is a class E felony for an
35 arrest for a:

- 36 (1) Felony;
37 (2) Warrant issued for failure to appear on a felony case; or
38 (3) Warrant issued for a probation violation on a felony case.

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40 The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of
41 subsection 1 of this section is a class A misdemeanor[; ~~unless the person fleeing creates a~~
42 ~~substantial risk of serious physical injury or death to any person, in which case it is a class E~~
43 ~~felony]. **The offense of resisting arrest by fleeing in a motor vehicle is a class E felony,**
44 **unless the person has been previously convicted under subsection 3 of this section, in which**
45 **case it is a class D felony. The offense of aggravated resisting arrest by fleeing in a motor**
46 **vehicle is a class D felony, unless the person has been previously convicted under**
47 **subsection 4 of this section, in which case it is a class C felony.**~~

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