

HCS HB 301 -- INTERFERING WITH ARREST

SPONSOR: Haffner

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention by a vote of 7 to 1 with 1 voting Present. Voted "Do Pass" by the Standing Committee on Rules-Administrative Oversight by a vote of 11 to 2 with 1 voting Present.

The following is a summary of the House Committee Substitute for HB 301.

This bill specifies that a person commits the offense of resisting arrest by fleeing in or on a motor vehicle if he or she resists an arrest, stop, or detention by fleeing from law enforcement in or on a motor vehicle and, during the course of fleeing, drives at a speed or 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 or on 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 or on 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 or on a motor vehicle, which is a class D felony. For a second or subsequent conviction, it is a class C felony.

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.

PROPOSERS: Supporters say that this is about protecting our communities. The regular penalty for the offense does not change; there are simply insufficient consequences for people who resist arrest by fleeing in a vehicle without regard for anyone else's life. Missouri is ranked 8th in the nation regarding violent crime, and many people who flee from arrest or custody are career criminals, and career criminals often know that most agencies will not chase. If they do chase, the worst the offender will receive is a misdemeanor charge. This directly affects the safety of our citizens and our officers, and the decision not to pursue can be just as dangerous. However, the threat of litigation and

discipline drives agencies to be very conservative about their pursuit policies.

Testifying for the bill were Representative Haffner; Ken Cooper; Kevin Merritt, Missouri Sheriffs United; Missouri State Troopers Association; Missouri Fraternal Order of Police; Arnie Dienoff; Missouri Association of Prosecuting Attorneys, Missouri Office of Prosecution Services; Missouri Sheriffs United; and Jeff Weber, Cass County Sheriff's Office.

OPPONENTS: Those who oppose the bill say that the bill is unnecessary since the felony charge can already be brought if there is a substantial risk of harm to others. It would be more helpful to clarify to whom the substantial risk would be, rather than enhancing the penalty. A big issue with elevating this to a felony is the other consequences that come with being a convicted felon, such as difficulty finding housing and employment, inability to carry a firearm, and the inability to vote.

Testifying against the bill was the Missouri State Conference of the National Association for the Advancement of Colored People.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.