

SECOND REGULAR SESSION

# SENATE BILL NO. 1238

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODMAN.

Read 1st time February 27, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5347S.011

## AN ACT

To repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to resisting 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Section A. Section 575.150, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 575.150, to read as follows:

575.150. 1. A person commits the crime of resisting or interfering with  
2 arrest, detention, or stop if, knowing that a law enforcement officer is making an  
3 arrest, or attempting to lawfully detain or stop an individual or vehicle, or the  
4 person reasonably should know that a law enforcement officer is making an arrest  
5 or attempting to lawfully detain or lawfully stop an individual or vehicle, for the  
6 purpose of preventing the officer from effecting the arrest, stop or detention, the  
7 person:

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

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

13 2. This section applies to:

14 (1) Arrests, stops, or detentions, with or without warrants [and to];

15 (2) Arrests, stops, or detentions, for any crime, infraction, or ordinance  
16 violation; and

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

19 3. A person is presumed to be fleeing a vehicle stop if that person

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 continues to operate a motor vehicle after that person has seen or should have  
21 seen clearly visible emergency lights or has heard or should have heard an  
22 audible signal emanating from the law enforcement vehicle pursuing that person.

23 4. It is no defense to a prosecution pursuant to subsection 1 of this section  
24 that the law enforcement officer was acting unlawfully in making the  
25 arrest. However, nothing in this section shall be construed to bar civil suits for  
26 unlawful arrest.

27 5. Resisting or interfering with an arrest **is a class D felony for an**  
28 **arrest for** a [felony is a class D felony]:

29 (1) **Felony;**

30 (2) **Warrant issued for failure to appear on a felony case; or**

31 (3) **Warrant issued for a probation violation on a felony case.**

32 Resisting an arrest, detention or stop by fleeing in such a manner that the person  
33 fleeing creates a substantial risk of serious physical injury or death to any person  
34 is a class D felony; otherwise, resisting or interfering with an arrest, detention  
35 or stop in violation of subdivision (1) or (2) of subsection 1 of this section is a  
36 class A misdemeanor.

Bill ✓

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