

FIRST REGULAR SESSION

SENATE BILL NO. 432

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

1972S.011

ADRIANE D. CROUSE, Secretary

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Section A. Section 575.150, RSMo, is repealed and one new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

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

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

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

14 2. This section applies to:

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

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

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

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

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

29 4. A person commits the offense of aggravated
30 resisting arrest by fleeing in a motor vehicle if he or she
31 resists an arrest, a stop, or a detention by fleeing in a
32 motor vehicle from a law enforcement officer and, during the
33 course of fleeing, drives at a speed or in a manner that
34 demonstrates a disregard for the safety of any person or
35 property, including that of the pursuing officer or other
36 occupants of the fleeing vehicle, and that results in
37 serious bodily injury or death to another person, including
38 any officer.

39 5. A person is presumed to be fleeing a vehicle stop
40 if he or she continues to operate a motor vehicle after he
41 or she has seen or should have seen clearly visible
42 emergency lights or has heard or should have heard an
43 audible signal emanating from the law enforcement vehicle
44 pursuing him or her.

45 [4.] 6. It is no defense to a prosecution pursuant to
46 subsection 1, 3, or 4 of this section that the law
47 enforcement officer was acting unlawfully in making the
48 arrest. However, nothing in this section shall be construed
49 to bar civil suits for unlawful arrest.

50 7. Nothing in this section shall be construed to
51 require the state to prove in a prosecution against a
52 defendant that the defendant knew why he or she was being
53 stopped, detained, or arrested.

54 [5.] 8. The offense of resisting or interfering with
55 an arrest is a class E felony for an arrest for a:

56 (1) Felony;

57 (2) Warrant issued for failure to appear on a felony
58 case; or

59 (3) Warrant issued for a probation violation on a
60 felony case.

61 The offense of resisting an arrest, detention or stop in
62 violation of subdivision (1) or (2) of subsection 1 of this
63 section is a class A misdemeanor[, unless the person fleeing
64 creates a substantial risk of serious physical injury or
65 death to any person, in which case it is a class E felony].

66 **The offense of resisting arrest by fleeing in a motor**
67 **vehicle is a class E felony, unless the person has been**
68 **previously convicted under subsection 3 of this section, in**
69 **which case it is a class D felony. The offense of**
70 **aggravated resisting arrest by fleeing in a motor vehicle is**
71 **a class D felony, unless the person has been previously**
72 **convicted under subsection 4 of this section, in which case**
73 **it is a class C felony.**

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