

FIRST REGULAR SESSION

HOUSE BILL NO. 360

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LIPKE (Sponsor), PAGE, WILSON (119), DUSENBERG,
JOLLY, BROWN (30) AND NIEVES (Co-sponsors).

Read 1st time January 26, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0153L.011

AN ACT

To repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to 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Section A. Section 575.150, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 575.150, to read as follows: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 crime of resisting or interfering with arrest, detention, or stop if, knowing that a law enforcement officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:

(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; **or**

(3) Interferes with the arrest, stop or detention of any person by providing false information to a law enforcement officer regarding the person's name, address, date of birth, or Social Security number.

2. This section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any crime, infraction or ordinance violation.

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.

16 3. A person is presumed to be fleeing a vehicle stop if that person continues to operate
17 a motor vehicle after that person has seen or should have seen clearly visible emergency lights
18 or has heard or should have heard an audible signal emanating from the law enforcement vehicle
19 pursuing that person.

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

23 5. Resisting or interfering with an arrest for a felony is a class D felony. Resisting an
24 arrest, **detention or stop** by fleeing in such a manner that the person fleeing creates a substantial
25 risk of serious physical injury or death to any person is a class D felony; otherwise, resisting or
26 interfering with an arrest, detention or stop **in violation of subdivision (1) or (2) of subsection**
27 **1 of this section** is a class A misdemeanor, **and resisting arrest or interfering with an arrest,**
28 **detention or stop in violation of subdivision (3) of subsection 1 of this section is a class C**
29 **misdemeanor.**