

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 4,
2 Section 574.085, Line 22, by inserting after said section and line the following:

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

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

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

12 2. This section applies to:

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

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

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

16 3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor
17 vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or
18 should have heard an audible signal emanating from the law enforcement vehicle pursuing him or
19 her. Nothing in this section shall be construed to require the state to prove in a prosecution against a
20 defendant that the defendant knew why he or she was being stopped, detained, or arrested.

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

24 5. The offense of resisting or interfering with an arrest is a class E felony for an arrest for a:

25 (1) Felony;

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

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

28
29 The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of
30 subsection 1 of this section is a class A misdemeanor, unless the person fleeing creates a substantial
31 risk of serious physical injury or death to any person, in which case it is a class E felony.

32 575.151. 1. A person commits the offense of resisting arrest by fleeing in or on a motor
33 vehicle if he or she resists an arrest, a stop, or a detention by fleeing in or on a motor vehicle from a
34 law enforcement officer and, during the course of fleeing, drives at a speed or in a manner that
35 demonstrates a disregard for the safety of any person or property, including that of the pursuing
36 officer or other occupants of the fleeing vehicle.

Action Taken _____ Date _____

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

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

9 4. The offense of resisting arrest by fleeing in or on a motor vehicle is a class E felony,
10 unless the person has been previously convicted under subsection 3 of this section, in which case it
11 is a class D felony. The offense of aggravated resisting arrest by fleeing in or on a motor vehicle is a
12 class D felony, unless the person has been previously convicted under subsection 2 of this section, in
13 which case it is a class C felony."; and

14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.