

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 186, Page 27, Section 575.095, Line 29,
2 by inserting after said section and line the following:
3

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.

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

24 (1) Felony;

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

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

27
28 The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of
29 subsection 1 of this section is a class A misdemeanor~~[, unless]~~. If the person fleeing is fleeing in a
30 motor vehicle or other means of transportation and the person creates a substantial risk of serious

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1 physical injury or death to any person, ~~[in which case it]~~ an offense under this section is a class [E]
2 B felony with no possibility of parole, probation, or conditional release until the person serves a
3 term of imprisonment of no less than three years.

4 6. As used in subsection 5 of this section, "fleeing in a motor vehicle or other means of
5 transportation" includes:

6 (1) Driving or operating a motor vehicle or other means of transportation at a speed greater
7 than the posted speed limit or in a careless, reckless, or imprudent manner; and

8 (2) Driving or operating a motor vehicle or other means of transportation while law
9 enforcement is in pursuit of the motor vehicle or other means of transportation, and continuing to
10 drive or operate the motor vehicle or other means of transportation after law enforcement attempts
11 to stop the motor vehicle or other means of transportation."; and

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.