

HCS HBs 1692 & 1748 -- OFFENSES INVOLVING ARRESTS, STOPS, AND
DETENTIONS (Sparks)

COMMITTEE OF ORIGIN: Standing Committee on Crime Prevention and
Public Safety

This bill amends the penalty for the offense of resisting or interfering with arrest, which is currently a class A misdemeanor under certain circumstances and a class E felony under other circumstances. This bill specifies that resisting or interfering with or escaping or attempting to escape from a stop, detention, or arrest or from custody after such stop, detention, or arrest is a class A misdemeanor, unless it falls within one of the exceptions listed in the bill, in which case it is a class E felony. If the escape or attempted escape is committed by means of a deadly weapon or a dangerous instrument or by holding another person hostage, it is a class A felony.

The bill also creates "Valentine's Law", which establishes the offense of aggravated fleeing a stop or detention of a motor vehicle. A person commits such offense if he or she knows or reasonably should know that a law enforcement officer is attempting to detain or stop a motor vehicle and, in various ways described in the bill, he or she flees. A person is presumed to be fleeing an attempted vehicle detention or stop if he or she continues to operate a motor vehicle after he or she has seen or reasonably should have seen clearly visible emergency lights or has heard or reasonably should have heard an audible signal emanating from the pursuing law enforcement vehicle. While it is not a defense to prosecution of this offense that the officer was acting unlawfully, the provisions of the bill do not bar civil suits for unlawful arrest. The offense of aggravated fleeing a stop or detention when a person operates a vehicle at a high rate of speed, defined as 10 miles per hour or greater over the posted speed limit, or in such a way that creates a substantial risk of serious physical injury or death to any person is a class D felony without eligibility for probation, parole, or conditional release until the person has served at least one year of his or her sentence. The offense when, as a result of the fleeing, the person causes physical injury to another person is a class B felony. If, as a result of the fleeing, a person causes death to another person, the offense is a class A felony. The provisions of this section do not apply to a person who continues driving at a safe speed to find somewhere safe and well-lit to pull over.