

1 HB405  
2 202443-1  
3 By Representatives Rowe and Jones (M)  
4 RFD: Judiciary  
5 First Read: 05-MAR-20

8 SYNOPSIS: Under current law, resisting arrest is a  
9 Class B misdemeanor.

10 This bill would provide that resisting  
11 arrest is a Class A misdemeanor and that resisting  
12 arrest with a deadly weapon or dangerous instrument  
13 is a Class C felony.

14 Amendment 621 of the Constitution of Alabama  
15 of 1901, now appearing as Section 111.05 of the  
16 Official ReCompilation of the Constitution of  
17 Alabama of 1901, as amended, prohibits a general  
18 law whose purpose or effect would be to require a  
19 new or increased expenditure of local funds from  
20 becoming effective with regard to a local  
21 governmental entity without enactment by a 2/3 vote  
22 unless: it comes within one of a number of  
23 specified exceptions; it is approved by the  
24 affected entity; or the Legislature appropriates  
25 funds, or provides a local source of revenue, to  
26 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment.  
4                   However, the bill does not require approval of a  
5                   local governmental entity or enactment by a 2/3  
6                   vote to become effective because it comes within  
7                   one of the specified exceptions contained in the  
8                   amendment.

9  
10   A BILL  
11   TO BE ENTITLED  
12   AN ACT

13  
14                   Relating to crimes and offenses; to amend Section  
15                   13A-10-41, Code of Alabama 1975, to further provide for the  
16                   penalties for resisting arrest; and in connection therewith  
17                   would have as its purpose or effect the requirement of a new  
18                   or increased expenditure of local funds within the meaning of  
19                   Amendment 621 of the Constitution of Alabama of 1901, now  
20                   appearing as Section 111.05 of the Official Recompilation of  
21                   the Constitution of Alabama of 1901, as amended.

22                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23   Section 1. Section 13A-10-41, Code of Alabama 1975,  
24                   is amended to read as follows:

25   "§13A-10-41.

26   "(a) A person commits the crime of resisting arrest  
27                   if he or she intentionally prevents or attempts to prevent a

1 peace officer from affecting a lawful arrest of himself,  
2 herself, or of another person.

3 "(b) ~~Resisting~~ Except as provided in subsection (c),  
4 resisting arrest is a Class ~~B~~ A misdemeanor.

5 "(c) An offense under this section is a Class C  
6 felony if the person uses a deadly weapon or dangerous  
7 instrument in resisting arrest."

8 Section 2. Although this bill would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds, the bill is excluded from further  
11 requirements and application under Amendment 621, now  
12 appearing as Section 111.05 of the Official ReCompilation of  
13 the Constitution of Alabama of 1901, as amended, because the  
14 bill defines a new crime or amends the definition of an  
15 existing crime.

16 Section 3. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.