

SENATE BILL NO. 345

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

1667S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 575.150, RSMo, and to enact in lieu thereof one new section relating to the offense of resisting or interfering with arrest, with existing 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Section A. Section 575.150, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 575.150,
3 to read as follows:

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

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

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

14 2. This section applies to:

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

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

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

21 3. A person is presumed to be fleeing a vehicle stop
22 if he or she continues to operate a motor vehicle after he
23 or she has seen or should have seen clearly visible
24 emergency lights or has heard or should have heard an
25 audible signal emanating from the law enforcement vehicle
26 pursuing him or her.

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

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

34 (1) Felony;

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

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

39 The offense of resisting an arrest, detention or stop in
40 violation of subdivision (1) or (2) of subsection 1 of this
41 section is a class A misdemeanor, unless the person fleeing
42 creates a substantial risk of serious physical injury or
43 death to any person, **or flees by operating a motor vehicle**
44 **as defined in section 302.010 resulting in pursuit by a law**
45 **enforcement officer operating a motor vehicle**, in which case
46 it is a class E felony.

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