

Chapter 46

OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE

46.4615 Resisting or interfering with arrest.**46.4615 Resisting or interfering with arrest.**

(a) A person commits the crime of resisting or interfering with arrest, detention, or stop if, knowing that a law enforcement officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:

(1) resists the arrest of himself by using or threatening the use of violence or physical force or by fleeing from that officer or

(2) interferes with the arrest of another person by using or threatening the use of violence, physical force, or physical interference.

(b) This section applies to arrest, stops or detention with or without warrants aimed to arrest, stops or detention for any crime or ordinance violation.

(c) A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.

(d) It is no defense to a prosecution under subsection (a) as further defined by subsection (b) that the law enforcement officer was acting unlawfully in making the arrest, stop or detention. However, nothing in this section is construed to bar civil suits for unlawful arrest.

(e) Resisting or interfering with an arrest, stop or detention for a felony is a Class D felony. Resisting or interfering with an arrest, stop or detention by fleeing in such a manner that the person fleeing creates a substantial risk of serious physical injury or death to any person is a class D felony; otherwise resisting or interfering with arrest, stop or detention is a class A misdemeanor.

History: 1979, PL 16-43 § 2; 2005, PL 29-8.

Research Guide: MCC 575.150, 15 ASC 782.