

# SENATE BILL NO. 561

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

2050S.01H

KRISTINA MARTIN, 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 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Section A. Section 575.150, RSMo, is repealed and one new  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, in which case it is a class E felony.

44           **6. In the case of an offense under this section that**  
45 **is subject to punishment as a class E felony, any vehicle**  
46 **used in violation of this section shall be impounded and**  
47 **forfeited pursuant to section 82.1000 and sections 513.600**  
48 **to 513.645.**

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