

HB 1748 -- RESISTING ARREST

SPONSOR: Haffner

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 specifies that a person commits the offense of resisting arrest by fleeing in or on a motor vehicle if he or she resists an arrest, stop, or detention by fleeing from law enforcement in or on a motor vehicle and, during the course of fleeing, drives at a speed or in a manner that demonstrates a disregard for the safety of a person or property, including that of the pursuing officer or other occupants of the fleeing vehicle. The offense of resisting arrest by fleeing in or on a motor vehicle is a class E felony. For a second or subsequent conviction, it is a class D felony.

If, during the commission of resisting arrest by fleeing in or on a motor vehicle, serious bodily injury or death to another person, including any officer, results, the person is guilty of the offense of aggravated resisting arrest by fleeing in or on a motor vehicle, which is a class D felony. For a second or subsequent conviction, it is a class C felony.

A prosecuting attorney shall not be required to prove that the defendant knew why he or she was being stopped, arrested, or detained.

This bill adds resisting arrest by fleeing in or on a motor vehicle to the list of offenses for which a person convicted of such offense or offenses must serve a minimum prison term and it adds resisting or interfering with or escaping from arrest, detention, or stop and resisting arrest by fleeing in or on a motor vehicle to the list of offenses that cannot be expunged.

This bill is similar to HB 251 (2023) and HB 2006 (2022).