

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document


No. 593

H.P. 443

House of Representatives, January 30, 1997

An Act to Strengthen the Laws Concerning Resisting Arrest.

Reference to the Committee on Criminal Justice suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative KONTOS of Windham.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 17-A MRSA §751, sub-§1, as enacted by PL 1975, c. 499,**
§1, is amended to read:

6 1. A person is guilty of obstructing government
administration if he ~~that person~~ uses force, violence, or
8 intimidation, or engages in any criminal act with the intent to
interfere with a public servant performing or purporting to
10 perform an official function.

12 **Sec. 2. 17-A MRSA §751, sub-§2, as enacted by PL 1975, c. 499,**
§1, is amended to read:

14 2. This section ~~shall~~ does not apply to:

16 A. Refusal by a person to submit to an arrest, under
18 section 753-A;

20 B. Escape by a person from official custody, as defined in
section 755.

22 **Sec. 3. 17-A MRSA §753-A is enacted to read:**

24 **§753-A. Resisting arrest**

26 1. A person is guilty of resisting arrest if that person
28 intentionally, knowingly or recklessly engages in an act to
hinder, prevent or delay that person's arrest by a person legally
30 authorized to make the arrest.

32 2. Resisting arrest is a Class C crime if the person making
the arrest is injured during the arrest or attempted arrest.
34 Resisting arrest is a Class E crime if the person making the
arrest is not injured. Regardless of the classification of the
36 crime, the minimum sentence, which may not be suspended, is a
\$500 fine and 2 days of imprisonment.

38 3. The court shall require a person who resists arrest to
40 pay the medical bills and lost wages incurred as a result of any
injuries sustained by the person making the arrest during that
42 arrest or attempted arrest.

44

46 **SUMMARY**

48 This bill establishes the crime of resisting arrest. It is
a Class C crime if the arresting party is injured during the
49 arrest or attempted arrest and a Class E crime if the arresting

2 party is not injured. The bill establishes a minimum fine of \$500
and a minimum term of 2 days' imprisonment for both
4 classifications of the crime. It also requires the guilty party
to pay the medical bills and lost wages suffered by the arresting
party.