

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 680

H.P. 525

House of Representatives, February 13, 2001

**An Act to Bring the Crime of Refusing to Submit to Arrest or Detention
into Conformity with the Maine Criminal Code.**

Reported by Representative POVICH for the Criminal Law Advisory Commission
pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing
ordered under Joint Rule 218.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

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

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Sec. 1. 17-A MRSA §751-A, sub-§2, as enacted by PL 1997, c. 351, §3, is repealed and the following enacted in its place:

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2. It is a defense to prosecution under this section that the person reasonably believed that the person attempting to effect the arrest or detention was not a law enforcement officer.

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SUMMARY

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This bill removes the defense to a prosecution for refusing to submit to an arrest or detention that the person knew that the law enforcement officer knew that the arrest or detention was illegal. The defense is contradictory to the general law on physical force in defense of a person as provided in the Maine Revised Statutes, Title 17-A, section 108, subsection 1-A. State v. Day, 1999 Me. 29, paragraphs 9 to 15, 724 A.2d 1245, 1247.

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