

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 633

H.P. 447

House of Representatives, February 19, 2009

An Act To Amend the Laws Pertaining to Refusing To Submit to Arrest or Detention

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HANLEY of Gardiner.
Cosponsored by Senator McCORMICK of Kennebec and
Representatives: BOLAND of Sanford, BROWNE of Vassalboro, COTTA of China, DAVIS
of Sangerville, HOGAN of Old Orchard Beach, LAJOIE of Lewiston, WEAVER of York.

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

2 Sec. 1. 17-A MRSA §751-A, as amended by PL 2001, c. 128, §1, is repealed.

3 Sec. 2. 17-A MRSA §751-B is enacted to read:

4 **§751-B. Refusing to submit to arrest or detention**

5 1. A person is guilty of refusing to submit to arrest or detention if, with the intent to
6 hinder, delay or prevent a law enforcement officer from effecting the arrest or detention
7 of that person or any other person, the person:

8 A. Performs any act of physical interference or resistance, including flight.
9 Violation of this paragraph is a Class E crime;

10 B. Uses physical force against the law enforcement officer. Violation of this
11 paragraph is a Class D crime; or

12 C. Creates a substantial risk of bodily injury to the law enforcement officer,
13 including but not limited to fleeing or attempting to flee on foot, or otherwise evading
14 the law enforcement officer, resulting in the law enforcement officer's pursuing,
15 chasing or attempting to pursue or chase the person on foot or other means. Violation
16 of this paragraph is a Class D crime.

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

20 **SUMMARY**

21 Under current law, it is a Class D crime to refuse to submit to an arrest or detention if
22 that person uses physical force against a law enforcement officer or creates a substantial
23 risk of bodily injury to a law enforcement officer. This bill repeals that provision of law
24 and enacts in its stead a provision that establishes that refusal to submit to arrest:

25 1. Is a Class E crime if the person performs an act of physical interference or
26 resistance;

27 2. Is a Class D crime if the person uses physical force against the law enforcement
28 officer; and

29 3. Is a Class D crime if the person creates a substantial risk of bodily injury to the law
30 enforcement officer, resulting in the law enforcement officer's pursuing, chasing or
31 attempting to pursue or chase the person.