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

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

Sec. 1. 17-A MRSA §751-A, as amended by PL 2001, c. 128, §1, is repealed.

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

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

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

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

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

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

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.

SUMMARY

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

1. Is a Class E crime if the person performs an act of physical interference or resistance;
2. Is a Class D crime if the person uses physical force against the law enforcement officer; and
3. Is a Class D crime if the person creates a substantial risk of bodily injury to the law enforcement officer, resulting in the law enforcement officer's pursuing, chasing or attempting to pursue or chase the person.