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HOUSE BILL NO. 2826

Offered January 17, 2003

A BILL to amend the Code of Virginia by adding a section numbered 18.2-479.1, relating to resisting arrest.

Patron—McDougle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-479.1 as follows:

§ 18.2-479.1. Resisting lawful seizure; penalty.

A. If any person intentionally prevents or attempts to prevent a law enforcement officer from effecting a lawful arrest for a misdemeanor, with or without a warrant, of himself or another person, he shall be guilty of a Class 1 misdemeanor.

B. If any person intentionally prevents or attempts to prevent a law enforcement officer from effecting a lawful arrest for a felony, with or without a warrant, of himself or another person, he shall be guilty of a Class 6 felony.

C. For purposes of this section, resisting arrest includes, but is not limited to, flight from a law enforcement officer when: (1) there is an application of physical force by the officer, or (2) the officer communicates to the person that he is under arrest, and (i) the officer has the immediate ability to lawfully place the person under arrest, and (ii) a reasonable person who received such communication would know that he is not free to leave.