

2004 SESSION

INTRODUCED

047268276

HOUSE BILL NO. 226

Offered January 14, 2004

Prefiled January 7, 2004

A BILL to amend and reenact § 18.2-479.1 of the Code of Virginia, relating to resisting lawful arrest; penalty.

Patron—Cosgrove

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-479.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-479.1. Resisting lawful arrest; penalty.

A. Any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor.

B. For purposes of this section, intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement officer when ~~(i) the officer applies physical force to the person, or (ii) the officer communicates to the person that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place the person under arrest, and (b) a reasonable person who receives such communication knows or should know that he is not free to leave.~~

C. *It shall be an affirmative defense to a prosecution under this section that the defendant reasonably believed the person attempting to arrest him was not a law-enforcement officer.*

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