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**SENATE BILL NO. 396**

Offered January 13, 2016

Prefiled January 11, 2016

*A BILL to amend and reenact § 18.2-479.1 of the Code of Virginia, relating to resisting arrest.*Patron—DeSteph

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 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~~ *failing to submit to the lawful commands of a law-enforcement officer or failing to allow oneself to be physically taken into custody by using either active or passive means to resist* 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.

INTRODUCED

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