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SENATE BILL NO. 1474

Offered January 17, 2017

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

Patrons—DeSteph; Delegate: Knight

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; fleeing from a law-enforcement officer; 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 *or failing to allow oneself to be physically taken into custody by using active 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

SB1474