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SENATE BILL NO. 1474

Senate Amendments in [] — January 25, 2017

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

Patrons Prior to Engrossment—Senator 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 [*attempting to escape from the lawful custody of a law-enforcement officer in violation of § 18.2-478, or*] 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 [*lawfully*] 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.

ENGROSSED

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