

Department of Planning and Budget

2023 Fiscal Impact Statement

1. Bill Number: SB1362

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Norment

3. Committee: Judiciary

4. Title: Resisting detention; penalty.

5. Summary: Provides that it is a Class 3 misdemeanor for a person to intentionally prevent or attempt to prevent a law enforcement officer from lawfully detaining them, defined as fleeing or attempting to flee when the officer has legal justification to detain the person, the officer communicates to the person an order to stop, and the person refuses to obey the order to stop. The bill allows a person charged with this offense to be arrested and immediately brought before a magistrate. The bill requires law enforcement officers to make a report to the Central Criminal Records Exchange (CCRE) when a person is arrested on such a charge.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary. See Item 8 below.

8. Fiscal Implications: The proposed legislation creates a new Class 3 misdemeanor when a person prevents or attempts to prevent a law enforcement officer from lawfully detaining them. A Class 3 misdemeanor is punishable by a fine of up to \$500. All revenue collected from such fines is deposited into the Literary Fund. However, it is not possible to estimate either the number of convictions that may result or the amount of each fine that may be assessed under this legislation. Therefore, the impact of this bill cannot be determined.

The proposed legislation is not anticipated to have a fiscal impact on the Department of State Police or local law enforcement agencies.

9. Specific Agency or Political Subdivisions Affected: Courts, Department of State Police, and local law enforcement agencies.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is a companion to HB1672.