



2007 ASSEMBLY BILL 162

March 12, 2007 - Introduced by Representatives FRISKE, BIES, KLEEFISCH, M. WILLIAMS, LEMAHIEU, HAHN, NASS, MUSSER, HINES, LOTHIAN and HRAYCHUCK, cosponsored by Senator GROTHMAN. Referred to Committee on Criminal Justice.

1 **AN ACT to repeal** 946.415 (2) (a); **to amend** 946.415 (2) (b) and (c); and **to repeal**
2 **and recreate** 946.415 (title) of the statutes; **relating to:** resisting arrest while
3 armed with or threatening to use a dangerous weapon.

Analysis by the Legislative Reference Bureau

Under current law, a person who knowingly resists a law enforcement officer while the officer is acting in his or her official capacity and with lawful authority is guilty of a Class A misdemeanor. Resisting arrest while armed or threatening to use a dangerous weapon and retreating or remaining in a building or place is a Class I felony. Specifically, a person commits a Class I felony if all of the following conditions are satisfied: 1) the person refuses to comply with a law enforcement officer's lawful attempt to take the person into custody; 2) the person retreats or remains in a building or place; 3) the person, through action or threat, attempts to prevent the officer from taking him or her into custody; and 4) the person is armed with or threatens to use a dangerous weapon. (A description of penalties is provided below.)

This bill eliminates the condition that a person must retreat or remain in a building or place to be convicted of a Class I felony for resisting arrest while armed with or threatening to use a dangerous weapon. Also, the bill eliminates the condition for the crime that a person must refuse to comply with the officer's lawful attempt to take the person into custody, but retains the condition that the person, through action or threat, attempt to prevent the officer from taking the person into custody.

For a Class A misdemeanor, a person may be fined not more than \$10,000, confined for up to nine months, or both fined and confined. For a Class I felony, a

