

SENATE BILL 355

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2004 Regular Session
4lr1136
CF 4lr1888

By: **Senators Stone and Giannetti (Committee to Revise Article 27 - Crimes and Punishments)**

Introduced and read first time: February 4, 2004
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 2004

CHAPTER 118

1 AN ACT concerning

2 **Criminal Law - Resisting or ~~Hindering~~ Interfering with Arrest - ~~Prohibited~~**

3 FOR the purpose of prohibiting a person from intentionally resisting a lawful arrest;
4 prohibiting a person from intentionally interfering with ~~or fleeing from~~ a police
5 officer who is making or attempting to make a lawful arrest or detention of ~~the~~
6 ~~person or~~ another person under certain circumstances; ~~authorizing the~~
7 ~~imposition of a sentence separate from and consecutive to or concurrent with a~~
8 ~~sentence of another crime under certain circumstances;~~ providing for the unit of
9 prosecution under this Act; establishing certain penalties; defining a certain
10 term; and generally relating to resisting arrest ~~by and~~ interfering with ~~or fleeing~~
11 ~~from~~ a police officer.

12 BY adding to
13 Article - Criminal Law
14 Section 9-408
15 Annotated Code of Maryland
16 (2002 Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Criminal Law

2 9-408.

3 (A) IN THIS SECTION, "POLICE OFFICER" MEANS AN INDIVIDUAL WHO IS
4 AUTHORIZED TO MAKE AN ARREST UNDER TITLE 2 OF THE CRIMINAL PROCEDURE
5 ARTICLE.

6 (B) A PERSON MAY NOT INTENTIONALLY:

7 (1) RESIST A LAWFUL ARREST; OR

8 ~~(1)~~ (2) INTERFERE WITH AN INDIVIDUAL WHO THE PERSON HAS
9 REASON TO KNOW IS A POLICE OFFICER WHO IS MAKING OR ATTEMPTING TO MAKE
10 A LAWFUL ARREST OR DETENTION OF ~~THE PERSON OR~~ ANOTHER PERSON; ~~OR.~~

11 ~~(2)~~ ~~FLEE FROM AN INDIVIDUAL WHO THE PERSON HAS REASON TO~~
12 ~~KNOW IS A POLICE OFFICER WHO IS MAKING OR ATTEMPTING TO MAKE A LAWFUL~~
13 ~~ARREST OR DETENTION OF THE PERSON.~~

14 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
15 AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT
16 EXCEEDING \$5,000 OR BOTH.

17 ~~(D)~~ ~~A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE~~
18 ~~FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME~~
19 ~~NOT ENUMERATED IN THIS SECTION THAT IS BASED ON THE ACT ESTABLISHING THE~~
20 ~~VIOLATION OF THIS SECTION.~~

21 ~~(E)~~ (D) THE UNIT OF PROSECUTION FOR A VIOLATION OF THIS SECTION IS
22 BASED ON THE ARREST OR DETENTION REGARDLESS OF THE NUMBER OF POLICE
23 OFFICERS INVOLVED IN THE ARREST OR DETENTION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2004.