

SENATE BILL 230

Unofficial Copy  
E1

2003 Regular Session  
3r0688  
CF 3r0687

---

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

Introduced and read first time: January 29, 2003

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Resisting Arrest - Penalty**

3 FOR the purpose of establishing a maximum penalty for the common law crime of  
4 resisting arrest; and generally relating to resisting arrest.

5 BY adding to

6 Article - Criminal Law

7 Section 9-408

8 Annotated Code of Maryland

9 (2002 Volume)

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

12 **Article - Criminal Law**

13 9-408.

14 A PERSON WHO IS CONVICTED OF RESISTING ARREST IS GUILTY OF A  
15 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
16 EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

17 COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): A 5-year  
18 maximum sentence is recommended for the common law crime of resisting arrest  
19 because the assault requirement under the common law makes the crime a more  
20 serious crime than escape in the second degree which carries a 3-year maximum  
21 sentence under § 9-405 of the Criminal Law Article. The penalty is also recommended  
22 as appropriate because the Commission on Criminal Sentencing Policy has classified  
23 resisting arrest as a Seriousness Category VI offense and several of the other offenses  
24 in this category carry maximum penalties of 5 years' imprisonment.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Committee Note  
26 contained in this Act is not law.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2003.