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By: **Delegates Hennessy, Aumann, Boschert, Boutin, Cluster, DeBoy, Dwyer, Eckardt, Edwards, Elliott, Elmore, Frank, Gilleland, Glassman, Haddaway, Impallaria, Jameson, Jennings, Krebs, McComas, Mitchell, O'Donnell, Parrott, Petzold, Shank, Stocksdale, Stull, Trueschler, and Weldon**

Introduced and read first time: January 28, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Resisting Arrest**

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

19 **Article - Criminal Law**

20 9-408.

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

24 (B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A PERSON  
25 FROM REASONABLY PROTECTING THE PERSON FROM UNLAWFUL, UNREASONABLE,

1 AND EXCESSIVE FORCE USED AGAINST THE PERSON DURING AN ARREST OR  
2 DETENTION OR ATTEMPTED ARREST OR DETENTION.

3 (C) A PERSON MAY NOT INTENTIONALLY:

4 (1) INTERFERE WITH AN INDIVIDUAL WHO THE PERSON HAS REASON TO  
5 KNOW IS A POLICE OFFICER WHO IS MAKING OR ATTEMPTING TO MAKE AN ARREST  
6 OR DETENTION OF THE PERSON OR ANOTHER PERSON; OR

7 (2) FLEE FROM AN INDIVIDUAL WHO THE PERSON HAS REASON TO  
8 KNOW IS A POLICE OFFICER WHO IS MAKING OR ATTEMPTING TO MAKE AN ARREST  
9 OR DETENTION OF THE PERSON.

10 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
11 AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT  
12 EXCEEDING \$5,000 OR BOTH.

13 (E) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE  
14 FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME  
15 NOT ENUMERATED IN THIS SECTION THAT IS BASED ON THE ACT ESTABLISHING THE  
16 VIOLATION OF THIS SECTION.

17 (F) THE UNIT OF PROSECUTION FOR A VIOLATION OF THIS SECTION IS BASED  
18 ON THE ARREST OR DETENTION REGARDLESS OF THE NUMBER OF POLICE OFFICERS  
19 INVOLVED IN THE ARREST OR DETENTION.

20 (G) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IT IS NOT A  
21 DEFENSE UNDER THIS SECTION THAT THE ARREST OR DETENTION OR ATTEMPTED  
22 ARREST OR DETENTION WAS UNLAWFUL OR THAT THE DEFENDANT REASONABLY  
23 BELIEVED THE ARREST OR DETENTION OR ATTEMPTED ARREST OR DETENTION TO  
24 BE UNLAWFUL.

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