
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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 9, 2004

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law - Resisting or Interfering with Arrest**

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 an arrest or detention of ~~the person~~
6 ~~or~~ another person under certain circumstances; ~~authorizing the imposition of a~~
7 ~~sentence separate from and consecutive to or concurrent with a sentence of~~
8 ~~another crime under certain circumstances;~~ providing for the unit of prosecution
9 under this Act; ~~prohibiting certain defenses;~~ establishing certain penalties;
10 defining a certain term; ~~providing for the construction of this Act;~~ and generally
11 relating to resisting arrest ~~by and~~ interfering with ~~or fleeing from~~ a police
12 officer.

13 BY adding to
14 Article - Criminal Law
15 Section 9-408
16 Annotated Code of Maryland
17 (2002 Volume and 2003 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 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) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A PERSON
7 FROM REASONABLY PROTECTING THE PERSON FROM UNLAWFUL, UNREASONABLE,
8 AND EXCESSIVE FORCE USED AGAINST THE PERSON DURING AN ARREST OR
9 DETENTION OR ATTEMPTED ARREST OR DETENTION.~~

10 ~~(C)~~ (B) A PERSON MAY NOT INTENTIONALLY:

11 (1) RESIST A LAWFUL ARREST; OR

12 ~~(1)~~ (2) INTERFERE WITH AN INDIVIDUAL WHO THE PERSON HAS
13 REASON TO KNOW IS A POLICE OFFICER WHO IS MAKING OR ATTEMPTING TO MAKE
14 AN A LAWFUL ARREST OR DETENTION OF THE PERSON OR ANOTHER PERSON; OR,

15 ~~(2)~~ FLEE FROM AN INDIVIDUAL WHO THE PERSON HAS REASON TO
16 KNOW IS A POLICE OFFICER WHO IS MAKING OR ATTEMPTING TO MAKE AN ARREST
17 OR DETENTION OF THE PERSON.

18 ~~(D)~~ (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
19 MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A
20 FINE NOT EXCEEDING \$5,000 OR BOTH.

21 ~~(E) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE
22 FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY CRIME
23 NOT ENUMERATED IN THIS SECTION THAT IS BASED ON THE ACT ESTABLISHING THE
24 VIOLATION OF THIS SECTION.~~

25 ~~(F)~~ (D) THE UNIT OF PROSECUTION FOR A VIOLATION OF THIS SECTION IS
26 BASED ON THE ARREST OR DETENTION REGARDLESS OF THE NUMBER OF POLICE
27 OFFICERS INVOLVED IN THE ARREST OR DETENTION.

28 ~~(G) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IT IS NOT A
29 DEFENSE UNDER THIS SECTION THAT THE ARREST OR DETENTION OR ATTEMPTED
30 ARREST OR DETENTION WAS UNLAWFUL OR THAT THE DEFENDANT REASONABLY
31 BELIEVED THE ARREST OR DETENTION OR ATTEMPTED ARREST OR DETENTION TO
32 BE UNLAWFUL.~~

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

