

HB265 INTRODUCED



1 HB265
2 WKSB955-1
3 By Representative Lovvorn
4 RFD: Judiciary
5 First Read: 12-Feb-25



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SYNOPSIS:

Under existing law, resisting arrest is a Class B misdemeanor.

This bill would increase the penalty for resisting arrest to a Class A misdemeanor.

This bill would increase the penalty for resisting arrest to a Class C felony if the person brandishes a deadly weapon or dangerous instrument or if the person's active resistance causes a physical injury to another individual.

This bill would further increase the penalty for resisting arrest to a Class B felony if the person uses or attempts to use a deadly weapon or dangerous instrument or if the person's active resistance causes a serious physical injury to another individual.

A BILL
TO BE ENTITLED
AN ACT

Relating to crimes and offenses; to amend Section 13A-10-41, to further provide for the crime of resisting arrest; and to provide for enhanced penalties in certain circumstances.



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29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Section 13A-10-41, Code of Alabama 1975, is
31 amended to read as follows:

32 "§13A-10-41

33 (a) (1) A person commits the crime of resisting arrest
34 if he or she intentionally prevents or attempts to prevent a
35 peace officer from ~~affecting~~ effecting a lawful arrest of
36 himself, herself, or ~~of~~ another ~~person~~ individual.

37 ~~(b)~~ (2) Resisting arrest is a Class ~~B~~ A misdemeanor.

38 (b) A violation of subsection (a) is a Class C felony
39 if either of the following occur during the commission of the
40 crime:

41 (1) The person brandishes, as defined in Section
42 13A-11-7, a deadly weapon or dangerous instrument.

43 (2) The person's active resistance causes a physical
44 injury to another individual.

45 (c) A violation of subsection (a) is a Class B felony
46 if either of the following occur during the commission of the
47 crime:

48 (1) The person uses or attempts to use a deadly weapon
49 or dangerous instrument.

50 (2) The person's active resistance causes a serious
51 physical injury to another individual."

52 Section 2. This act shall become effective on October
53 1, 2025.