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SYNOPSIS:

Under existing law, a person commits the crime of resisting arrest if the person intentionally prevents or attempts to prevent a peace officer from arresting the person or another person.

This bill would provide that a person who resists arrest shall be held in custody for 24 hours before becoming eligible for release.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to crimes and offenses; to amend Section 13A-10-41, Code of Alabama 1975, to provide for a mandatory temporary holding period for persons who resist arrest.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-10-41

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



29           (b) A person who violates this section shall be subject  
30 to a 24-hour temporary holding period from the time of arrest,  
31 pursuant to Section 15-13-191.

32           ~~(b)~~ (c) Resisting arrest is a Class B misdemeanor."

33           Section 2. Section 15-13-191 is added to Article 7 of  
34 Chapter 13 of Title 15, Code of Alabama 1975, to read as  
35 follows:

36           §15-13-191

37           A person who violates Section 13A-10-41, Code of  
38 Alabama 1975, shall be subject to a 24-hour temporary holding  
39 period from the time of the arrest. The defendant shall be  
40 held in custody and any bond, appearance bond, secured  
41 appearance bond or personal recognizance order shall not be  
42 enforced nor executed and the defendant shall not be released  
43 on bail or otherwise until the passage of the 24-hour  
44 temporary holding period from the time of the arrest has been  
45 completed.

46           Section 3. This act shall become effective on October  
47 1, 2025.