



SPONSOR: Sen. Henry & Rep. Mitchell
Sens. Ennis, Lavelle, Walsh; Reps. Hudson, Jaques,
Keeley, Schwartzkopf, D. Short

DELAWARE STATE SENATE
149th GENERAL ASSEMBLY

SENATE BILL NO. 33

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO RESISTING ARREST.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1257, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1257. Resisting arrest with force or violence, class G felony; resisting arrest, class A misdemeanor.

(a) A person is guilty of resisting arrest with force or violence when:

(1) The person intentionally prevents or attempts to prevent a peace officer from effecting an arrest or detention of the person or another person by use of force or violence towards said peace officer; or

(2) The person intentionally flees from a peace officer, who is effecting an arrest or detention of the person, by use of force or violence towards said peace officer; or

(3) While a peace officer is effecting an arrest or detention of a person, the person causes physical injury to the peace officer; ~~officer; or~~

(4) The person intentionally flees in a vehicle from a peace officer while the peace officer is effecting an arrest or detention of the person, thereby creating a substantial risk of physical injury to other persons.

Resisting arrest with force or violence is a class G felony.

(b) A person is guilty of resisting arrest when the person intentionally prevents or attempts to prevent a peace officer from effecting an arrest or detention of the person or another person or intentionally flees from a peace officer who is effecting an arrest or detention of the person.

Resisting arrest is a class A misdemeanor.

Section 2. This Act takes effect on the effective date of Senate Bill No. 34 of the 149th General Assembly.

SYNOPSIS

This Act is a companion to Senate Bill No. 34. Senate Bill No. 34, in pertinent part, eliminates several aggravating factors under Delaware's controlled substances laws. This Act retains and codifies one of those aggravating factors, § 4751A(1)e.2. of Title 16, as a separate crime.

Author: Senator Henry