

CHAPTER 259
FORMERLY
SENATE BILL NO. 179
AS AMENDED BY
SENATE AMENDMENT NO. 1

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 (Two-thirds of all members elected to each house thereof concurring therein):

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, officer;~~ or

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

(3) ~~Injures or struggles with said peace officer causing~~ While a peace officer is effecting an arrest or detention of a person, the person causes physical injury to the peace officer.

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. Severability. – If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

Section 3. Effective date. – This act shall become effective immediately upon enactment.

Approved June 18, 2014