

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1129

By: Representative Wynne

"AN ACT TO AMEND SECTION 2803 OF ACT 280 OF 1975 [ARK. STATS. 41-2803] TO ESTABLISH THE OFFENSE OF REFUSAL TO SUBMIT TO ARREST; TO PRESCRIBE PENALTIES FOR THE OFFENSE OF REFUSAL TO SUBMIT TO ARREST; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 2803 of Act 280 of 1975, the same being Arkansas Statutes 41-2803, is hereby amended to read as follows:

"Section 2803. (a) Resisting arrest.

(1) A person commits the offense of resisting arrest if he knowingly resists a person known by him to be a law enforcement officer effecting an arrest.

(2) 'Resists', as used in this section, means using or threatening to use physical force or any other means that creates a substantial risk of physical injury to any person.

(3) It is no defense to a prosecution under this section that the law enforcement officer lacked legal authority to make the arrest, provided he was acting under color of his official authority.

(4) Resisting arrest is a class A misdemeanor.

(b) Refusal to submit to arrest.

(1) A person commits the offense of refusal to submit to arrest if he knowingly refuses to submit to arrest by a person known by him to be a law enforcement officer effecting an arrest.

(2) 'Refusal' under this section means active or passive refusal.

(3) It is no defense to a prosecution under this section that the law enforcement officer lacked legal authority to make the arrest, provided he was acting under color of his official authority.

(4) Refusal to submit to arrest is a class B misdemeanor."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

