

HB 458 – AS INTRODUCED

2013 SESSION

13-0749
08/01

HOUSE BILL **458**

AN ACT relative to resisting arrest.

SPONSORS: Rep. Lambert, Hills 44; Rep. Hoell, Merr 23

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill specifies the circumstances under which a person may be charged with resisting arrest or detention.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to resisting arrest.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Resisting Arrest or Detention. Amend RSA 642:2 to read as follows:
2 642:2 Resisting Arrest or Detention. A person is guilty of a misdemeanor when the person
3 knowingly or purposely physically interferes with a person recognized to be a law enforcement
4 official, including a probation or parole officer, seeking to effect ~~an~~ **a lawful** arrest **based on**
5 **probable cause** or **lawful** detention **based on reasonable suspicion** of the person or another
6 ~~[regardless of whether there is a legal basis for the arrest]~~. A person is guilty of a class B felony if
7 the act of resisting arrest or detention causes serious bodily injury, as defined in RSA 625:11, VI, to
8 another person. Verbal protestations alone shall not constitute resisting arrest or detention.
9 2 Effective Date. This act shall take effect January 1, 2014.