

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 2 (page 1, lines 3 to 19 in L.D.) and inserting the following:

‘**Sec. 2. 17-A MRSA §751-B** is enacted to read:

§ 751-B. Refusing to submit to arrest or detention

1. A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention of that person, the person:

A. Refuses to stop on request or signal of a law enforcement officer. Violation of this paragraph is a Class E crime;

B. Uses physical force against the law enforcement officer. Violation of this paragraph is a Class D crime; or

C. Creates a substantial risk of bodily injury to the law enforcement officer. Violation of this paragraph is a Class D crime.

2. It is a defense to prosecution under this section that the person reasonably believed that the person attempting to effect the arrest or detention was not a law enforcement officer. It is a defense to prosecution under subsection 1, paragraph A that the law enforcement officer acted unlawfully in attempting to effect the arrest or detention.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

State Board of Corrections Investment Fund Z075

Initiative: Appropriates funds for the incremental costs associated with one projected incarceration in a county jail.

GENERAL FUND	2009-10	2010-11
All Other	\$2,959	\$2,959
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GENERAL FUND TOTAL	\$2,959	\$2,959

CORRECTIONS, DEPARTMENT OF	2009-10	2010-11
DEPARTMENT TOTALS		

GENERAL FUND	\$2,959	\$2,959
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DEPARTMENT TOTAL - ALL FUNDS	\$2,959	\$2,959

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funds for court-appointed counsel.

GENERAL FUND	2009-10	2010-11
All Other	\$350	\$350
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GENERAL FUND TOTAL	\$350	\$350

JUDICIAL DEPARTMENT		
DEPARTMENT TOTALS	2009-10	2010-11
GENERAL FUND	\$350	\$350
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DEPARTMENT TOTAL - ALL FUNDS	\$350	\$350

SECTION TOTALS	2009-10	2010-11
GENERAL FUND	\$3,309	\$3,309
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SECTION TOTAL - ALL FUNDS	\$3,309	\$3,309

SUMMARY

This amendment redefines the offense of refusing to submit to arrest or detention as proposed in the bill. A person is guilty of refusing to submit to arrest or detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention of that person, the person refuses to stop on request or signal of a law enforcement officer, which is a Class E crime; uses physical force against the law enforcement officer, which is a Class D crime; or creates a substantial risk of bodily injury to the law enforcement officer, which is a Class D crime. The amendment maintains the defense to prosecution that the person reasonably believed that the person attempting to effect the arrest or detention

was not a law enforcement officer. The amendment also adds the defense that the law enforcement officer acted unlawfully in attempting to effect the arrest or detention for the offense of refusing to stop on request or signal of a law enforcement officer. It also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)