

1 HB585
2 202443-1
3 By Representative Rowe
4 RFD: Judiciary
5 First Read: 01-APR-21

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8 SYNOPSIS: Under current law, resisting arrest is a
9 Class B misdemeanor.

10 This bill would provide that resisting
11 arrest is a Class A misdemeanor and that resisting
12 arrest with a deadly weapon or dangerous instrument
13 is a Class C felony.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official ReCompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment.
4 However, the bill does not require approval of a
5 local governmental entity or enactment by a 2/3
6 vote to become effective because it comes within
7 one of the specified exceptions contained in the
8 amendment.

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10 A BILL
11 TO BE ENTITLED
12 AN ACT

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14 Relating to crimes and offenses; to amend Section
15 13A-10-41, Code of Alabama 1975, to further provide for the
16 penalties for resisting arrest; and in connection therewith
17 would have as its purpose or effect the requirement of a new
18 or increased expenditure of local funds within the meaning of
19 Amendment 621 of the Constitution of Alabama of 1901, now
20 appearing as Section 111.05 of the Official Recompilation of
21 the Constitution of Alabama of 1901, as amended.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 13A-10-41, Code of Alabama 1975,
24 is amended to read as follows:

25 "§13A-10-41.

26 "(a) A person commits the crime of resisting arrest
27 if he or she intentionally prevents or attempts to prevent a

1 peace officer from affecting a lawful arrest of himself,
2 herself, or of another person.

3 "(b) ~~Resisting~~ Except as provided in subsection (c),
4 resisting arrest is a Class ~~B~~ A misdemeanor.

5 "(c) An offense under this section is a Class C
6 felony if the person uses a deadly weapon or dangerous
7 instrument in resisting arrest."

8 Section 2. Although this bill would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds, the bill is excluded from further
11 requirements and application under Amendment 621, now
12 appearing as Section 111.05 of the Official ReCompilation of
13 the Constitution of Alabama of 1901, as amended, because the
14 bill defines a new crime or amends the definition of an
15 existing crime.

16 Section 3. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.