

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 751

Short Title: Prohibit Force to Resist Arrest.

(Public)

Sponsors: Representatives Decker; Berry, Bowman, Edwards, and Ives.

Referred to: Judiciary III.

April 6, 1993

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE DEFENSE OF UNLAWFUL ARREST IN CASES OF FORCEFULLY RESISTING ARREST.

The General Assembly of North Carolina enacts:

Section 1. G.S. 15A-401(f) reads as rewritten:

"(f) Use of ~~Deadly Weapon or Deadly Force~~ to Resist Arrest. –

(1) A person is not justified in using ~~a deadly weapon or deadly force~~ to resist an arrest by a law-enforcement officer using reasonable force, when the person knows or has reason to know that the officer is a law-enforcement officer and that the officer is effecting or attempting to effect an arrest.

(2) The fact that the arrest was not authorized under this section is no defense to an otherwise valid criminal charge arising out of the use of ~~such deadly weapon or deadly force.~~ force to resist arrest.

(3) Nothing contained in this subsection (f) shall be construed to excuse or justify the unreasonable or excessive force by an officer in effecting an arrest. Nothing contained in this subsection (f) shall be construed to bar or limit any civil action arising out of an arrest not authorized by this Article."

Sec. 2. This act becomes effective December 1, 1993, and applies to offenses occurring on or after that date.