

1 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by**
2 **Amending Chapter 24, Offenses—Miscellaneous, Article I, In General, Sec. 24-6 and 24-7**
3 **to make the City Code consistent with state laws.**

4
5 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 24 of the
6 City Code of the City of Hampton, Virginia be amended to read as follows:

7
8 **CHAPTER 24. OFFENSES—MISCELLANEOUS**

9
10 **ARTICLE I. IN GENERAL**

11
12 **Sec. 24-6. – Resisting, obstructing by threats or force** *Obstructing justice; resisting*
13 *arrest; penalty.*

14
15 *(a) If any person without just cause knowingly obstructs a judge, magistrate, justice, juror,*
16 *attorney for the commonwealth, witness, any law-enforcement officer, or animal control*
17 *officer employed pursuant to the Code of Virginia § 3.2-6555 in the performance of his duties*
18 *as such or fails or refuses without just cause to cease such obstruction when requested to do*
19 *so by such judge, magistrate, justice, juror, attorney for the commonwealth, witness, law-*
20 *enforcement officer, or animal control officer employed pursuant to the Code of Virginia §*
21 *3.2-65505, he shall be guilty of a Class 1 misdemeanor.*

22 *(b) If any Any person who, by threats, or force, knowingly attempts to intimidate or impede*
23 *a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, or any law-*
24 *enforcement officer, or animal control officer employed pursuant to the Code of Virginia §*
25 *3.2-6555 lawfully engaged in his duties as such, or to obstruct or impede the administration*
26 *of justice in any court, he shall be deemed to be is guilty of a Class 1 misdemeanor.*

27 *(c) Any person who knowingly and willfully makes any materially false statement or*
28 *representation to a law-enforcement officer or animal control officer employed pursuant to*
29 *the Code of Virginia § 3.2-6555 who is in the course of conducting an investigation of a crime*
30 *by another is guilty of a Class 1 misdemeanor.*

31 **Cross reference—** Penalty for Class 1 misdemeanor, § 1-11; repeal not to affect violations
32 under former ordinance, § 2-88.

33 **State Law reference—** Similar provisions, Code of Virginia, § 18.2-460(B).

34 **Sec. 24-7. – Obstructing justice** *Fleeing from a law-enforcement officer; penalty.*

35
36 ~~If any person without just cause knowingly obstructs a judge, magistrate, justice, juror,~~
37 ~~attorney for the commonwealth, witness or any law-enforcement officer in the performance of~~
38 ~~his duties as such or fails or refuses without just cause to cease such obstruction when~~
39 ~~requested to do so by such judge, magistrate, justice, juror, attorney for the commonwealth,~~
40 ~~witness, or law-enforcement officer, he shall be guilty of a Class 1 misdemeanor.~~

41 (a) Any person who intentionally prevents or attempts to prevent a law-enforcement
42 officer from lawfully arresting him, with or without a warrant, is guilty of a Class 1
43 misdemeanor.

44 (b) For purposes of this section, intentionally preventing or attempting to prevent a lawful
45 arrest means fleeing from a law-enforcement officer when (i) the officer applies physical force
46 to the person, or (ii) the officer communicates to the person that he is under arrest and (a)
47 the officer has the legal authority and the immediate physical ability to place the person
48 under arrest, and (b) a reasonable person who receives such communication knows or
49 should know that he is not free to leave.

50 **Cross reference**— Penalty for Class 1 misdemeanor, § 1-11.

51 **State Law reference**— Similar provision, Code of Virginia, § 18.2-460(A) ~~479.1~~.