



Legislation Text

File #: 18-0065, **Version:** 1

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

PURPOSE/BACKGROUND:

In the last two years, the state codes controlling obstruction of justice (now called obstructing justice; resisting arrest) and resisting arrest (now called fleeing from a law enforcement officer) have been amended in order to comply with recent case law. These amendments to the City Code are being made in order to bring the City Code in line with the state code and relevant case law.

Impact:

When charging suspects who are not simultaneously being charged with felonies with obstructing justice; resisting arrest, or fleeing from a law enforcement officer, officers can now utilize the city code.

Recommendation:

Approval of ordinance (no public hearing required).

CHAPTER 24. OFFENSES-MISCELLANEOUS

ARTICLE I. IN GENERAL

Sec. 24-6. - Obstructing justice; resisting arrest; penalty.

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

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

misdemeanor.

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

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

State Law reference- Similar provisions, Code of Virginia, § 18.2-460.

Sec. 24-7. - Fleeing from a law-enforcement officer; penalty.

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

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

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

State Law reference- Similar provision, Code of Virginia, § 18.2-479.1.