

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1434. Resisting Arrest.

(a) A person who willfully resists, delays, or obstructs any law enforcement officer, in the discharge, or attempt to discharge, any duty of his or her office commits the offense of resisting arrest.

(b) “Law enforcement officer” includes any police officer of the Department of Public Safety, corrections officer of the Department of Corrections, any fire prevention officer or fire inspector and arson investigator of the Department of Fire and Emergency Medical Services, or any probation officer of the Office of the Adult Probation Supervision, any officer of the Division of Youth Services Juvenile Probation Unit, the chief marshal and deputy marshals of the Marshal Service Division, any parole officer of the Board of Parole, any conservation officer of the Department of Natural Resources, any customs officer of the Department of Finance, the chief investigator and investigators of the Office of the Attorney General, the investigators of the Office of the Public Auditor or any other law enforcement officer of the Commonwealth.

(c) A person convicted of resisting arrest may be punished by not more than one year imprisonment or not more than \$1,000 fine or both.

Source: PL 3-71, § 1 (§ 424); amended by PL 3-72, § 2 (§ 424); subsection (b) amended by PL 13-22, § 2; (b) amended by PL 15-114, § 2; (b) amended by PL 17-41 § 3(b) (May 9, 2011); (b) amended by PL 18-14 § 2 (Aug. 8, 2013), modified; (b) amended by PL 18-73 § 4(f) (Jan. 25, 2015).

Commission Comment: With respect to the references to the “Department of Public Safety,” the “Department of Natural Resources” and the “Department of Finance,” see Executive Order 94-3 (effective Aug. 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

PL 13-22 became effective August 30, 2002 and contained the following findings, in addition to severability and savings clause provisions:

Section 1. Findings. Public Law 11-46, codified at 1 CMC section 3231, *et seq.*, created the Office of Adult Probation Supervision (“OAPS”) and specifically gave those probation officers the power, similar to that of peace officers, to serve warrants and make arrests. Those probation officers also have authority to carry firearms in carrying out their duties. Public Law 11-46, however, does not actually refer to OAPS probation officers as law enforcement officers. Public Law 3-71, section 1 (section 424), as amended by Public Law 3-72, section 2 (section 424), codified as 6 CMC section 1434(b), creates an offense for resisting arrest and applies to law enforcement officers. It does not, however, specifically refer to adult probation officers.

In exercising the power given to them by Public Law 11-46, the legislature finds that probation officers in the OAPS require protection from those who might seek to resist their statutory authority. Therefore, the legislature finds that 6 CMC section 1434(b) should be amended to

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ensure that the offense of resisting arrest also applies to anyone who resists arrest by a probation officer of the OAPS.

PL 15-114, effective on November 29, 2007, contained the following in addition severability and savings clause provisions:

Section 1. Findings. The Legislature finds that Public Law 1-8 created the Board of Parole as well as established the positions of parole officers. Public Law 11-8 amended Public Law 1-8 to provide that parole officers shall have the power of arrest of persons under the jurisdiction of the board, the right of parole officers to bear firearms while on duty, and for the inclusion of parole officers on the list of law enforcement officers eligible for death benefits.

The Legislature further finds that Public Law 3-71, as amended and codified as 6 CMC § 1434(b), creates an offense for resisting arrest and applies to law enforcement officers. It does not, however, specifically refer to parole officers of the Board of Parole. In exercising the power given to them by Public Law 1-8, as amended, the Legislature finds that parole officers require protection from those who might seek to resist their statutory authority. Therefore, the Legislature finds that 6 CMC § 1434(b) should be amended to ensure that the offense of resisting arrest also applies to anyone who resists arrest by a parole officers of the Board of Parole.

The Commission codified PL 18-14 § 2 (Aug. 8, 2013), by deleting strikethrough text and removing underlining for additional text pursuant to its authority to correct manifest typographical errors. In addition to savings and severability clauses, PL 18-14 contained the following:

Section 1. Findings and Purpose. The Legislature finds that 6 CMC § 1434(b) creates an offense for resisting arrest and applies to law enforcement officers. It does not, however, specifically refer to officers within the Office of the Attorney General Investigation Division. In exercising their law enforcement powers, the Legislature finds that these officers need to be empowered against those who may resist their authority.