

STATE OF ARIZONA
30th LEGISLATURE
1971 REGULAR SESSION

SENATE

S.B. 229
INTRODUCED
February 16, 1971

REPORT OF THE
COMMISSIONERS OF THE
STATE BAR OF ARIZONA
RE: THE PROPOSED
AMENDMENT TO SECTION
13-1401, ARIZONA
REVISED STATUTES
AS INTRODUCED BY
SENATORS O'CONNOR,
STINSON, GOETZE,
AND HOLSCLAW
ON FEBRUARY 16, 1971

Introduced by Senators O'Connor, Stinson, Goetze, Holsclaw

AN ACT

RELATING TO CRIMES; PROHIBITING RESISTING OF ARREST BY FORCE OR
WITH A WEAPON, AND AMENDING SECTION 13-1401, ARIZONA REVISED
STATUTES.

1 be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1401, Arizona Revised Statutes,
3 is amended to read:

4 13-1401. Arrest; how made; force
5 and restraint; resisting

6 A. An arrest is made by an actual restraint of the per-
7 son to be arrested, or by his submission to the custody of the
8 person making the arrest.

9 B. No unnecessary or unreasonable force shall be used
10 in making an arrest, and the person arrested shall not be
11 subjected to any greater restraint than necessary for his
12 detention.

13 C. IF A PERSON HAS REASONABLE GROUNDS TO BELIEVE THAT
14 HE IS BEING ARRESTED BY A PEACE OFFICER, HE SHALL NOT USE
15 FORCE OR ANY WEAPON IN RESISTING ARREST IRRESPECTIVE OF
16 WHETHER THERE IS A LEGAL BASIS FOR THE ARREST.