

THE TWENTY-NINTH LEGISLATURE OF AMERICAN SAMOA

SECOND REGULAR SESSION

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eleventh day of July
two thousand and five

AN ACT EXPANDING THE SITUATIONS THAT A POLICE OFFICER CAN MAKE A LAWFUL ARREST, STOP OR TO DETAIN PERSONS; AMENDING SECTION 46.4615 A.S.C.A.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 46.4615 is amended to read:

“46.4615 Resisting or interfering with arrest.

(a) A person commits the crime of resisting or interfering with arrest, ~~if, knowing that a law enforcement officer is making an arrest, for the purpose of preventing the officer from effecting the arrest, he:~~ detention, or stop if, knowing that a law enforcement officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person :

(1) resists the arrest of himself by using or threatening the use of violence or physical force or by fleeing from that officer or

(2) interferes with the arrest of another person by using or threatening the use of violence, physical force, or physical interference.

(b) This section applies to arrests, stops or detention with or without warrants amid to arrests, stops or detention for any crime or ordinance violation.

(c) A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.

(e)(d) It is no defense to a prosecution under subsection (a) as further defined by subsection (b) that the law enforcement officer was acting unlawfully in making the arrest, stop or detention. However, nothing in this section is construed to bar civil suits for unlawful arrest.

(d)(e) Resisting or interfering with an arrest, stop or detention for a felony is a Class D felony. Resisting or interfering with an arrest, stop or detention by means other than flight or interfering with an arrest for a felony by fleeing in such a manner that the person fleeing creates a substantial risk of serious physical injury or death to any person is a class D felony; otherwise resisting or interfering with arrest, stop or detention is a class A misdemeanor.”

LoLo M. Moliga
LOLO M. MOLIGA
President of the Senate

Matagi R. Ma'ilo McMoore
MATAGI RAY MA'ILO MCMOORE
Speaker, House of Representatives

Hereby Approved this 15th day of August, 2005
Christopher L. Jensen
Governor Of American Samoa

NOFOA'IGA LUSEFULU-IVA FONOFAITULAFONO A AMERIKA SAMOA

FONO TELE LONA LUA

Nofioia ma usua i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulu tasi o Iulai
lua afe ma le lima

O SE TULAFONO E FA'ALAUATELE AI LE TULAGA E FA'APEA O LE LEOLEO O LE A NA FA'ATINOINA LE PU'EINA E TUSA AI MA ALA O LE TULAFONO, TAOFIA PO'O LE LOKAINA O TAGATA; SUIA AI LE MAGA 46.4615 T.T.A.S.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA:

Maga 1. 46.4615 ua suia e faitauina:

“46.4615 Tete'e po'o le fa'alavelave i le pu'eina.

(a) O se tagata ua molia i le solitulafono o le tete'e po'o le fa'alavelave i le pu'eina, pe afai, ua iloaina e fa'apea o le leoleo o le a na fa'atinoina le pu'eina, mo le fa'amoemoe i le puipuiga o le leoleo mai a'afiaga o le pu'eina, o ia: lokaina, po'o le taofia pe afai, ua iloaina e fa'apea o le leoleo o lo'o fa'atinoina le pu'eina, po'o le taumafai e loka e tusa ma ala o le tulafono po'o le taofia o se tagata po'o se ta'avale, po'o le mafaufauina e se tagata le tatau ona iloa e fa'apea o le leoleo o lo'o fa'atinoina le pu'eina po'o le taumafai e loka e tusa ma ala o le tulafono po'o le taofia e tusa ma le tulafono o se tagata po'o se ta'avale, mo le fa'amoemoe i le puipuiga o le leoleo mai a'afiaga o le pu'eina, taofia po'o le lokaina, o le tagata:

(1) tete'e le taofia o ia e ala i le fa'aaogaina po'o le fa'amata'u i le fa'aaogaina o le malosi po'o le malosi o le tino po'o le sola ese mai lena leoleo po'o

(2) fa'alavelave i le taofia o se isi tagata e ala i le fa'aaogaina po'o le fa'amata'u i le fa'aaogaina o le malosi, malosi o le tino, po'o le fa'alavelave i le tino.

(e) O lenei maga e fa'atatau i le pu'eina, taofia po'o le lokaina e ala po'o e aunoa ma se fa'atagaga i le pu'eina, taofia po'o le lokaina mo so'o se soligatulafono po'o soligatulafono e masani ai.

(i) O se tagata ua masalomia le sola'ese mai le taofia o le ta'avale pe afai o lea tagata o lo'o fa'aauuina pea le fa'aogaina o le ta'avale afi ina ua mae'a ona vaaia o lea tagata po'o le tatau ona vaaia lelei o moli emoemo o fa'alavelave po'o le fa'alogoina po'o le tatau ona fa'alogoina o sailigi mai le ta'avale a le leoleo o lo'o tuliloaina lena tagata.

(i)(o) E leai se puipuiga i le moliaga i lalo o le soamaga (a) e pei ona fa'auigaina i le soamaga (e) e fa'apea o le leoleo o lo'o galue e le tusa ai ma le tulafono i le fa'atinoina o le pu'eina, taofia po'o le lokaina. Ae peita'i, e leai se tulaga o i lenei maga e fa'amalamalama ai se gaoioiga i le fa'amasinoga mo taofiga e le tusa ai ma ala o le tulafono.

(e)(u) Tete'e po'o le fa'alavelave i se pu'eina, taofia po'o le lokaina mo se solitulafono mamafa o se solitulafono mamafa i le Vaega O. Tete'e po'o le fa'alavelave i le pu'eina, taofia po'o le lokaina e ese mai le tu'ufa'a ese atu po'o le fa'alavelave i se pu'eina mo le solitulafono mamafa e ala i le sola'ese mai lea tulaga e fa'apea o le tagata ua sola'ese ua fa'atupuina se fa'alavelave matuia ua manu'a tigaina ai po'o ua maliu ai se tagata o se solitulafono mamafa i le Vasega O; ae le gata i lea o le tete'e po'o le fa'alavelave i le pu'eina, taofia po'o le lokaina o se solitulafono mama i le Vasega A."

Lolo M. Moliga
LOLO M. MOLIGA
Peresetene, Maota Maualuga

Matagi R. Ma'ilo McMoore
MATAGI RAY MA'ILO MCMOORE
Fofoga Fetala'i, Maota o Sui

Hereby Approved this 15th day of August 2005

Cecilole T. Tui
Governor of American Samoa