

**38.03 Resisting Arrest or Search - Class A misdemeanor or 3rd degree felony**

1. Person, county, and date
2. Intentionally
3. Prevents or obstructs a person who (one of the following):
  - a. He knows is a peace officer
  - b. Is acting in a peace officer's presence and at his/her direction
4. From effecting an arrest or search
5. Of the actor or another
6. By using force against peace officer or another.

**For 3rd degree felony add:**

7. Using a deadly weapon.

**38.04 Evading Arrest or Detention**

**A. Class A Misdemeanor**

1. Person, county, and date
2. Intentionally
3. Flees from a peace officer
4. With knowledge he/she is a peace officer
5. While peace officer is attempting to lawfully arrest or detain him/her.

**B. 3rd Degree Felony**

1. through 5. above, plus:
6. One of the following:
  - a. Uses a vehicle or watercraft; or
  - b. someone has serious bodily injury as a direct result of officer's attempt to apprehend; or
  - c. Person uses tire deflation device against officer during flight

**C. 2nd Degree Felony**

1. through 5. above, plus:
6. Another suffers death as a direct result of attempt to apprehend;

**OR**

1. Another suffers bodily injury as a direct result of Person's use of a tire deflation device during flight.