

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 52
Second Edition Engrossed 3/26/91

Short Title: Warrantless Arrest Changes.

(Public)

Sponsors: Senators Marvin; and Odom.

Referred to: Judiciary II.

February 12, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE AUTHORITY OF LAW ENFORCEMENT OFFICERS
3 TO ARREST WITHOUT A WARRANT FOR CERTAIN MISDEMEANORS.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 15A-401(b) reads as rewritten:

6 "(b) Arrest by Officer Without a Warrant. –

7 (1) Offense in Presence of Officer. – An officer may arrest without a
8 warrant any person who the officer has probable cause to believe has
9 committed a criminal offense in the officer's presence.

10 (2) Offense Out of Presence of Officer. – An officer may arrest without a
11 warrant any person who the officer has probable cause to believe:

12 a. Has committed a felony; or

13 b. Has committed a misdemeanor, and:

14 1. Will not be apprehended unless immediately arrested, or

15 2. May cause physical injury to himself or others, or
16 damage to property unless immediately arrested; or

17 c. Has committed a misdemeanor under G.S. ~~14-72.1~~ 14-72.1 or
18 G.S. 14-134.3; or

19 d. Has committed a misdemeanor under G.S. 14-33(a), G.S. 14-
20 33(b)(1), or G.S. 14-33(b)(2) when the offense was committed
21 by a person who is the spouse or former spouse of the alleged
22 victim or by a person with whom the alleged victim is living or
23 has lived as if married.

1 (3) ~~Subdivision (1) and (2) shall apply to arrest for assault, for~~
2 ~~communicating a threat, or for domestic criminal trespass, already~~
3 ~~committed or being committed by a person who is the spouse or~~
4 ~~former spouse of the alleged victim or by a person with whom the~~
5 ~~alleged victim is living or has lived as if married."~~

6 Sec. 2. This act becomes effective October 1, 1991.