

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 150  
SENATE BILL 52

AN ACT TO CLARIFY THE AUTHORITY OF LAW ENFORCEMENT OFFICERS  
TO ARREST WITHOUT A WARRANT FOR CERTAIN MISDEMEANORS.

The General Assembly of North Carolina enacts:

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

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

- (1) Offense in Presence of Officer. – An officer may arrest without a warrant any person who the officer has probable cause to believe has committed a criminal offense in the officer's presence.
- (2) Offense Out of Presence of Officer. – An officer may arrest without a warrant any person who the officer has probable cause to believe:
  - a. Has committed a felony; or
  - b. Has committed a misdemeanor, and:
    1. Will not be apprehended unless immediately arrested, or
    2. May cause physical injury to himself or others, or damage to property unless immediately arrested; or
  - c. Has committed a misdemeanor under G.S. ~~14-72.1~~14-72.1 or G.S. 14-134.3; or
  - d. Has committed a misdemeanor under G.S. 14-33(a), G.S. 14-33(b)(1), or G.S. 14-33(b)(2) when the offense was committed by a person who is the spouse or former spouse of the alleged victim or by a person with whom the alleged victim is living or has lived as if married.
- ~~(3) Subdivision (1) and (2) shall apply to arrest for assault, for communicating a threat, or for domestic criminal trespass, already committed or being committed by a person who is the spouse or former spouse of the alleged victim or by a person with whom the alleged victim is living or has lived as if married."~~

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

In the General Assembly read three times and ratified this the 29th day of May, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives