

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

3

HOUSE BILL 685*
Committee Substitute Favorable 4/12/99
Senate Judiciary II Committee Substitute Adopted 7/14/99

Short Title: Arrest Warrants/Copies.

(Public)

Sponsors:

Referred to:

March 30, 1999

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY ARREST A
2 PERSON ON PRIVATE PREMISES OR IN A VEHICLE IN ACCORDANCE
3 WITH STATE LAW WITH A COPY OF THE ORIGINAL ARREST WARRANT
4 OR ORDER.
5

6 The General Assembly of North Carolina enacts:

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

8 "(e) Entry on Private Premises or Vehicle; Use of Force. –

9 (1) A law-enforcement officer may enter private premises or a vehicle to
10 effect an arrest when:

- 11 a. The officer has in his possession a warrant or order or a copy of
12 the warrant or order for the arrest of a ~~person~~-person, provided
13 that an officer may utilize a copy of a warrant or order only if the
14 original warrant or order is in the possession of a member of the
15 officer's employing law enforcement agency and the officer
16 verifies with the agency that the warrant is current and valid; or
17 the officer is authorized to arrest a person without a warrant or
18 order having been issued,

- 1 b. The officer has reasonable cause to believe the person to be
2 arrested is present, and
3 c. The officer has given, or made reasonable effort to give, notice of
4 his authority and purpose to an occupant thereof, unless there is
5 reasonable cause to believe that the giving of such notice would
6 present a clear danger to human life.
7 (2) The law-enforcement officer may use force to enter the premises or
8 vehicle if he reasonably believes that admittance is being denied or
9 unreasonably delayed, or if he is authorized under subsection (e)(1)c to
10 enter without giving notice of his authority and purpose."

11 Section 2. This act becomes effective October 1, 1999.