

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 658

Short Title: Warrantless Arrest Changes.

(Public)

Sponsors: Representatives Diggs; Abernethy, Arnold, Balmer, Barbee, Blue, Bowie, Brawley, Brown, Buchanan, Craven, Creech, Cromer, Culp, Decker, Dickson, Duncan, Easterling, Esposito, L. Etheridge, Flaherty, Foster, Gibson, Grady, Grimmer, Hasty, Hege, Holmes, Howard, Huffman, Isenhower, Justus, Kimsey, Lail, Ligon, Lilley, Loflin, Mills, Pope, Privette, Rhyne, Robinson, Stam, Stewart, Walker, Weatherly, P. Wilson, G. Wilson, and Wood.

Referred to: Judiciary.

March 16, 1989

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW WARRANTLESS ARREST IN CASES OF ASSAULT ON A
2 FEMALE, DOMESTIC CRIMINAL TRESPASS, AND DRIVING WHILE
3 IMPAIRED.
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5 The General Assembly of North Carolina enacts:

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

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

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

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

13 a. Has committed a felony; or

14 b. Has committed a misdemeanor, and:

15 1. Will not be apprehended unless immediately arrested,
16 or

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

- 1 c. Has committed a misdemeanor under G.S. ~~14-72.1~~ 14-72.1, 14-
2 33(b)(2), 14-134.3 and 20-138.1.
- 3 (3) ~~Subdivision (1) and (2) shall apply to arrest for assault, for~~
4 ~~communicating a threat, or for domestic criminal trespass, already~~
5 ~~committed or being committed by a person who is the spouse or~~
6 ~~former spouse of the alleged victim or by a person with whom the~~
7 ~~alleged victim is living or has lived as if married."~~
- 8 Sec. 2. This act shall become effective October 1, 1989.