

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 448\*  
Committee Substitute Favorable 4/26/93

Short Title: Warrantless Arrest on School Gds.

(Public)

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Sponsors:

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Referred to:

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March 22, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AN OFFICER MAY MAKE A WARRANTLESS  
ARREST FOR CERTAIN MISDEMEANOR OFFENSES CREATING A RISK OF  
VIOLENCE ON SCHOOL GROUNDS OR ON A SCHOOL BUS.

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; arrested,~~  
or

3. Has created a risk of violence on the grounds of any public or private educational institution or on a school bus; or

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

- 1                   d.     Has committed a misdemeanor under G.S. 14-33(a), ~~G.S. 14-~~  
2                             33(b)(1), or ~~G.S. 14-33(b)(2)~~ when the offense was committed  
3                             by a person who is the spouse or former spouse of the alleged  
4                             victim or by a person with whom the alleged victim is living or  
5                             has lived as if married.  
6           (3)     Repealed by Session Laws 1991, c. 150."  
7           Sec. 2. This act becomes effective December 1, 1993, and applies to offenses  
8 committed on or after that date.