

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 448\*

Short Title: Warrantless Arrest on School Gds.

(Public)

Sponsors: Representatives McLaughlin; Alexander, Black, Bowman, Brawley, Culp, Cunningham, Easterling, Joye, Lemmond, Morgan, Russell, Wilkins, and C. Wilson.

Referred to: Judiciary I.

March 22, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AN OFFICER MAY MAKE A WARRANTLESS ARREST ON SCHOOL GROUNDS FOR CERTAIN MISDEMEANOR OFFENSES COMMITTED ON SCHOOL GROUNDS.

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 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

1                                    victim or by a person with whom the alleged victim is living or  
2                                    has lived as if ~~married~~-married; or  
3                                    e.    Has committed a misdemeanor under G.S. 14-269.2, 14-  
4                                    33(b)(1), 14-33(b)(2), or G.S. 14-33(b)(8) if: (i) the  
5                                    misdemeanor was committed at or on the grounds of any public  
6                                    or private educational institution; (ii) probable cause for the  
7                                    arrest is based upon information furnished to the officer by the  
8                                    principal or other school personnel; and (iii) the decision to  
9                                    make the arrest is approved in writing by the principal or the  
10                                    principal's designee if the principal is absent at the time of the  
11                                    arrest.  
12                                    (3)    Repealed by Session Laws 1991, c. 150."  
13                                    Sec. 2. This act becomes effective October 1, 1993, and applies to offenses  
14 committed on or after that date.