

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 506\*

Short Title: Warrantless Arrest on School Gds.

(Public)

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Sponsors: Senators Winner of Mecklenburg; Blackmon, Odom, Carpenter, and Plexico.

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Referred to: Judiciary I.

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March 18, 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 victim or by a person with whom the alleged victim is living or has lived as if ~~married~~ married; or

1                   e.     Has committed a misdemeanor under G.S. 14-269.2, 14-  
2                   33(b)(1), 14-33(b)(2), or G.S. 14-33(b)(8) if: (i) the  
3                   misdemeanor was committed at or on the grounds of any public  
4                   or private educational institution; (ii) probable cause for the  
5                   arrest is based upon information furnished to the officer by the  
6                   principal or other school personnel; and (iii) the decision to  
7                   make the arrest is approved in writing by the principal or the  
8                   principal's designee if the principal is absent at the time of the  
9                   arrest.

10                 (3)     Repealed by Session Laws 1991, c. 150."

11                 Sec. 2. This act becomes effective October 1, 1993, and applies to offenses  
12 committed on or after that date.