

**§15. Warrantless arrests by a law enforcement officer
(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

1. Except as otherwise specifically provided, a law enforcement officer may arrest without a warrant:

A. Any person who the officer has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, criminal threatening, terrorizing or stalking, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
- (5-A) **(TEXT EFFECTIVE UNTIL 1/01/23)** Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 19-A, section 4002, subsection 4;
- (5-A) **(TEXT EFFECTIVE 1/01/23)** Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 19-A, section 4102, subsection 6;
- (5-B) Domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking or domestic violence reckless conduct;
- (6) Theft as defined in section 357, when the value of the services is \$1,000 or less if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (8) Negotiating a worthless instrument if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (9) A violation of a condition of probation when requested by a probation officer or juvenile community corrections officer;
- (10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051, subsection 2; and Title 15, section 1092;
- (11) Theft involving a detention under Title 17, section 3521;
- (12) Harassment, as set forth in section 506-A;
- (13) **(TEXT EFFECTIVE UNTIL 1/01/23)** Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769, subsection 2; former Title 19, section 770, subsection 5; Title 19-A, section 4011, subsection 3; and Title 19-A, section 4012, subsection 5;
- (13) **(TEXT EFFECTIVE 1/01/23)** Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769, subsection 2; former Title 19, section 770, subsection 5; Title 19-A, former section 4011,

subsection 3; Title 19-A, former section 4012, subsection 5; Title 19-A, section 4113, subsection 3; and Title 19-A, section 4114, subsection 5;

(14) A violation of a sex offender registration provision under Title 34-A, chapter 15;

(15) A violation of a requirement of administrative release when requested by the attorney for the State;

(16) A violation of a condition of supervised release for sex offenders when requested by a probation officer;

(17) A violation of a court-imposed deferment requirement of a deferred disposition when requested by the attorney for the State;

(18) A violation of a condition of release as provided in Title 15, section 3203-A, subsection 9;

(19) A violation of a condition of supervised community confinement granted pursuant to Title 34-A, section 3036-A when requested by a probation officer;

(20) A violation of a condition of placement on community reintegration status granted pursuant to Title 34-A, section 3810 and former section 4112 when requested by a juvenile community corrections officer;

(21) A violation of a condition of furlough or other rehabilitative program authorized under Title 34-A, section 3035 when requested by a probation officer or juvenile community corrections officer;

(22) A violation of preconviction or post-conviction bail pursuant to Title 15, section 1095, subsection 2 or section 1098, subsection 2 upon request of the attorney for the State;

(23) Failure to appear in violation of Title 15, section 1091, subsection 1, paragraph A;

(24) A Class D or Class E crime committed while released on preconviction or post-conviction bail; or

(25) A violation of a condition of release from a community confinement monitoring program pursuant to Title 30-A, section 1659-A; and [PL 2017, c. 148, §3 (AMD); PL 2021, c. 647, Pt. B, §§15, 16 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

B. Any person who has committed or is committing in the officer's presence any Class D or Class E crime. [PL 1995, c. 680, §3 (RPR).]

[PL 2017, c. 148, §3 (AMD); PL 2021, c. 647, Pt. B, §§15, 16 (AMD); PL 2021, c. 647, Pt. B, §65 (AFF).]

2. For the purposes of subsection 1, paragraph B, criminal conduct has been committed or is being committed in the presence of a law enforcement officer when one or more of the officer's senses afford that officer personal knowledge of facts that are sufficient to warrant a prudent and cautious law enforcement officer's belief that a Class D or Class E crime is being or has just been committed and that the person arrested has committed or is committing that Class D or Class E crime. An arrest made pursuant to subsection 1, paragraph B must be made at the time of the commission of the criminal conduct, or some part thereof, or within a reasonable time thereafter or upon fresh pursuit.

[PL 1995, c. 680, §3 (RPR).]

SECTION HISTORY

PL 1975, c. 740, §22 (NEW). PL 1977, c. 326 (AMD). PL 1977, c. 510, §24 (AMD). PL 1977, c. 671, §19 (AMD). PL 1977, c. 696, §169 (AMD). PL 1979, c. 578, §§1,7 (AMD). PL 1979, c. 677, §§2,18 (AMD). PL 1983, c. 450, §1 (AMD). PL 1983, c. 735, §1 (AMD). PL 1983, c. 795, §5 (AMD). PL 1983, c. 862, §47 (AMD). PL 1985, c. 737, §A40 (AMD). PL 1987, c. 758, §22

(AMD). PL 1987, c. 870, §11 (AMD). PL 1989, c. 122, §2 (AMD). RR 1991, c. 2, §50 (COR). PL 1991, c. 566, §1 (AMD). PL 1993, c. 475, §3 (AMD). PL 1995, c. 224, §1 (AMD). PL 1995, c. 356, §20 (AMD). PL 1995, c. 668, §2 (AMD). PL 1995, c. 680, §3 (RPR). PL 1997, c. 393, §A17 (AMD). PL 1997, c. 464, §3 (AMD). PL 1999, c. 127, §A33 (AMD). PL 1999, c. 644, §1 (AMD). PL 2001, c. 389, §1 (AMD). PL 2001, c. 439, §OOO1 (AMD). PL 2001, c. 667, §A34 (AMD). PL 2003, c. 102, §1 (AMD). PL 2007, c. 475, §8 (AMD). PL 2007, c. 518, §4 (AMD). PL 2009, c. 142, §3 (AMD). PL 2011, c. 341, §6 (AMD). PL 2011, c. 464, §4 (AMD). PL 2011, c. 691, Pt. A, §12 (AMD). PL 2017, c. 148, §3 (AMD). PL 2021, c. 647, Pt. B, §§15, 16 (AMD). PL 2021, c. 647, Pt. B, §65 (AFF).

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