

JUDICIAL PROCEDURE, CRIMINAL

CHAPTER 216

S. B. No. 242
(Holand)

ARREST WITHOUT WARRANT

AN ACT

Relating to authority to make arrests and to amend and reenact section 29-0615 of the North Dakota Revised Code of 1943 relating to arrest without warrant.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Amendment.) Section 29-0615 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

29-0615. Arrest Without Warrant.) A peace officer, without a warrant, may arrest a person:

1. For a public offense, committed or attempted in his presence;
2. When the person arrested has committed a felony, although not in his presence;
3. When a felony in fact has been committed, and he has reasonable cause to believe the person arrested to have committed it;
4. On a charge, made upon reasonable cause, of the commission of a felony by the party arrested; or
5. For such public offenses, not classified as felonies and not committed in his presence as provided for under section 2 of this Act.

§ 2. Arrest Of Nonresident Traffic Violator.) A police officer at the scene of a traffic accident may arrest without a warrant any driver of a vehicle who is a nonresident of this state and who is involved in the accident when based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of title 39 of the North Dakota Revised Code of 1943 as amended in connection with the accident, and if the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

Whenever any person is arrested under the provisions of this section, he shall be taken without unnecessary delay before the proper magistrate.

Approved March 12, 1957.