

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 311
Judiciary II Committee Substitute Adopted 4/28/11

Short Title: Pretrial Release Violation/Arrest.

(Public)

Sponsors:

Referred to:

March 10, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW WARRANTLESS ARREST FOR VIOLATION OF PRETRIAL
3 RELEASE CONDITIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 15A-401(b) reads as rewritten:

6 "(b) Arrest by Officer Without a Warrant. –

7 (1) Offense in Presence of Officer. – An officer may arrest without a warrant
8 any person who the officer has probable cause to believe has committed a
9 criminal ~~offense~~ offense, or has violated a pretrial release order entered
10 under G.S. 15A-534 or G.S. 15A-534.1(a)(2), in the officer's presence.

11 (2) Offense Out of Presence of Officer. – An officer may arrest without a
12 warrant any person who the officer has probable cause to believe:

13 a. Has committed a felony; or

14 b. Has committed a misdemeanor, and:

15 1. Will not be apprehended unless immediately arrested, or

16 2. May cause physical injury to himself or others, or damage to
17 property unless immediately arrested; or

18 c. Has committed a misdemeanor under G.S. 14-72.1, 14-134.3,
19 20-138.1, or 20-138.2; or

20 d. Has committed a misdemeanor under G.S. 14-33(a), 14-33(c)(1),
21 14-33(c)(2), or 14-34 when the offense was committed by a person
22 with whom the alleged victim has a personal relationship as defined
23 in G.S. 50B-1; or

24 e. Has committed a misdemeanor under G.S. 50B-4.1(a); or

25 f. Has violated a pretrial release order entered under
26 ~~G.S. 15A-534.1(a)(2)~~ G.S. 15A-534 or G.S. 15A-534.1(a)(2).

27 (3) Repealed by Session Laws 1991, c. 150.

28 (4) A law enforcement officer may detain an individual arrested for violation of
29 an order limiting freedom of movement or access issued pursuant to
30 G.S. 130A-475 or G.S. 130A-145 in the area designated by the State Health
31 Director or local health director pursuant to such order. The person may be
32 detained in such area until the initial appearance before a judicial official
33 pursuant to G.S. 15A-511 and G.S. 15A-534.5."

34 **SECTION 2.** This act becomes effective December 1, 2011, and applies to
35 violations of pretrial release conditions occurring on or after that date.

