

39-6-8 Arrest.

- (1) "Arrest" means the restraint of a person by an order, not imposed as a punishment for an offense, directing the person to remain within a specified area.
- (2) An enlisted member may be ordered into arrest or confinement by any commanding officer by an order, oral or written, delivered in person or through persons subject to this chapter, or through a person authorized by this chapter to apprehend persons. A commanding officer may authorize warrant officers or noncommissioned officers to order enlisted members of his command or subject to his authority into arrest or confinement.
- (3) A commissioned officer or warrant officer may be ordered apprehended, or ordered into arrest or confinement, only by a commanding officer to whose authority he is subject, and only by an order, oral or written, delivered in person or by another commissioned officer. The authority to order the person apprehended or into arrest or confinement may not be delegated.
- (4) A person may not be apprehended or placed under arrest or confinement except upon probable cause.
- (5) This section does not limit a person authorized to apprehend offenders in his securing the custody of an alleged offender until the proper authority may be notified.

Enacted by Chapter 210, 1988 General Session