

77-7-2 Arrest by peace officers.

A peace officer may make an arrest under authority of a warrant or may, without warrant, arrest a person:

- (1)
 - (a) for any public offense committed or attempted in the presence of any peace officer; and
 - (b) as used in this Subsection (1), "presence" includes all of the physical senses or any device that enhances the acuity, sensitivity, or range of any physical sense, or records the observations of any of the physical senses;
- (2) when the peace officer has reasonable cause to believe a felony or a class A misdemeanor has been committed and has reasonable cause to believe that the person arrested has committed it;
- (3) when the peace officer has reasonable cause to believe the person has committed a public offense, and there is reasonable cause for believing the person may:
 - (a) flee or conceal himself to avoid arrest;
 - (b) destroy or conceal evidence of the commission of the offense; or
 - (c) injure another person or damage property belonging to another person;
- (4) when the peace officer has reasonable cause to believe the person has committed the offense of failure to disclose identity under Section 76-8-301.5; or
- (5) when the peace officer has reasonable cause to believe that the person is an alien:
 - (a) subject to a civil removal order issued by an immigration judge;
 - (b) regarding whom a civil detainer warrant has been issued by the federal Department of Homeland Security; or
 - (c) who has been charged or convicted in another state with one or more aggravated felonies as defined by 8 U.S.C. Sec. 1101(a)(43).

Amended by Chapter 18, 2011 General Session

Amended by Chapter 21, 2011 General Session