

Effective 5/7/2025

77-7-23 Delivery of an individual arrested without a warrant to a magistrate -- Transfer to a court with jurisdiction -- Transfer of duties -- Violation as misdemeanor.

- (1)
 - (a)
 - (i)(A) If an arrest is made without a warrant by a peace officer, the individual who has been arrested shall be taken by a peace officer without unnecessary delay to the magistrate in the district court, the precinct of the county, or the municipality in which the offense occurred, except under Subsection (2).
 - (B) An information stating the charge against the arrested individual shall be made before the magistrate.
 - (ii) If a private individual temporarily detains another individual under Section 77-7-3, a peace officer shall determine whether to release or arrest the individual who has been detained, and if the peace officer arrests the individual who has been detained, the peace officer shall follow the procedures described in Subsection (1)(a)(i).
 - (b) If the justice court judge of the precinct or municipality or the district court judge is not available, the arrested individual shall be taken before the magistrate within the same county who is nearest to the scene of the alleged offense or nearest to the jail under Subsection (2), who may act as committing magistrate for arraigning the accused individual, setting bail, or issuing warrants.
- (2)
 - (a) If the arrested individual under Subsection (1) must be transported from jail to a magistrate, the individual may be taken before the magistrate nearest to the jail rather than the magistrate specified in Subsection (1) for arraignment, setting bail, or issuing warrants.
 - (b) The case shall then be transferred to the court having jurisdiction.
- (3) If a jail accepts custody of an individual arrested under Subsection (1), the duties under this section of the peace officer who makes the arrest are transferred to the jail and the jail's personnel.
- (4) This section does not confer jurisdiction upon a court unless otherwise provided by law.
- (5) A violation of this section is a class B misdemeanor.

Amended by Chapter 199, 2025 General Session