

Representative Stephen G. Handy proposes the following substitute bill:

ARREST AND REQUIREMENTS - WITH OR WITHOUT

WARRANTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Code of Criminal Procedure regarding arrest by a peace officer without a warrant.

Highlighted Provisions:

This bill:

▶ amends language regarding arrest by a peace officer to refer to "probable cause" rather than "reasonable cause"; and

▶ amends a peace officer's authority to make an arrest without a warrant upon probable cause by providing that this authority includes class B and class A misdemeanors, rather than current law which grants the authority to arrest upon probable cause for class A misdemeanors and felonies.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 77-7-2, as last amended by Laws of Utah 2008, Chapter 293

27

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section 77-7-2 is amended to read:

30 **77-7-2. Arrest by peace officers.**

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

33 (1) (a) for any public offense committed or attempted in the presence of any peace
34 officer; and

35 (b) as used in this Subsection (1), "presence" includes all of the physical senses or any
36 device that enhances the acuity, sensitivity, or range of any physical sense, or records the
37 observations of any of the physical senses;

38 (2) when the peace officer has [~~reasonable~~] probable cause to believe a felony or a
39 class A or class B misdemeanor has been committed and has [~~reasonable~~] probable cause to
40 believe that the person arrested has committed it;

41 (3) when the peace officer has [~~reasonable~~] probable cause to believe the person has
42 committed a public offense, and there is [~~reasonable~~] probable cause for believing the person
43 may:

44 (a) flee or conceal himself or herself to avoid arrest;

45 (b) destroy or conceal evidence of the commission of the offense; or

46 (c) injure another person or damage property belonging to another person; or

47 (4) when the peace officer has [~~reasonable~~] probable cause to believe the person has
48 committed the offense of failure to disclose identity under Section 76-8-301.5.