

**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 a peace officer's authority to make an arrest without a warrant upon reasonable cause by providing that this authority includes any misdemeanor, rather than current law which grants the authority to arrest upon reasonable cause to class A misdemeanors and felonies.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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



28 **77-7-2. Arrest by peace officers.**

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

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

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

36 (2) when the peace officer has reasonable cause to believe a felony or a ~~class A~~
37 misdemeanor has been committed and has reasonable cause to believe that the person arrested
38 has committed it;

39 (3) when the peace officer has reasonable cause to believe the person has committed a
40 public offense, and there is reasonable cause for believing the person may:

41 (a) flee or conceal himself to avoid arrest;

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

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

44 (4) when the peace officer has reasonable cause to believe the person has committed
45 the offense of failure to disclose identity under Section 76-8-301.5.

Legislative Review Note
as of 12-20-10 8:03 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 59, 2011 General Session

SHORT TITLE: **Arrest and Requirements - with or Without Warrants**

SPONSOR: **Handy, S.**

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.