

HB 1256 – AS INTRODUCED

2014 SESSION

14-2285
04/03

HOUSE BILL **1256**
AN ACT relative to arrest without a warrant.
SPONSORS: Rep. Itse, Rock 10
COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill defines “probable cause” and “reasonable ground” for the purpose of an arrest without a warrant.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to arrest without a warrant.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Arrest Without a Warrant. Amend RSA 594:10 to read as follows:

2 594:10 Arrest Without a Warrant.

3 I. An arrest by a peace officer without a warrant on a charge of a misdemeanor or a violation
4 is lawful whenever:

5 (a) ~~[He]~~ ***The peace officer*** has probable cause to believe that the person to be arrested
6 has committed a misdemeanor or violation in ~~[his]~~ ***the peace officer's*** presence; or

7 (b) ~~[He]~~ ***The peace officer*** has probable cause to believe that the person to be arrested
8 has within the past 12 hours committed abuse as defined in RSA 173-B:1, I against a person eligible
9 for protection from domestic violence as defined in RSA 173-B:1, has within the past 12 hours
10 violated a temporary or permanent protective order issued under RSA 173-B or RSA 458:16 by
11 committing assault, criminal trespass, criminal mischief, or another criminal act, or has within the
12 last 12 hours violated stalking provisions under RSA 633:3-a.

13 (c) ~~[He]~~ ***The peace officer*** has probable cause to believe that the person to be arrested
14 has committed a misdemeanor or violation, and, if not immediately arrested, such person will not be
15 apprehended, will destroy or conceal evidence of the offense, or will cause further personal injury or
16 damage to property.

17 II. An arrest by a peace officer without a warrant on a charge of felony is lawful whenever:

18 (a) A felony has actually been committed by the person arrested, regardless of the
19 reasons which led the officer to make the arrest.

20 (b) The officer has reasonable ground to believe that the person arrested has committed
21 a felony.

22 ***III. In this section, "probable cause" or "reasonable ground" shall mean that a***
23 ***peace officer has knowledge either personally or from another peace officer that a crime is***
24 ***being or is about to be committed and that the peace officer has knowledge personally, or***
25 ***from another peace officer, or from information obtained from 2 or more witnesses, that the***
26 ***person to be arrested committed the crime.***

27 2 Effective Date. This act shall take effect 60 days after its passage.