

431.005 Arrest by peace officers -- By private persons.

- (1) A peace officer may make an arrest:
 - (a) In obedience to a warrant; or
 - (b) Without a warrant when a felony is committed in his presence; or
 - (c) Without a warrant when he has probable cause to believe that the person being arrested has committed a felony; or
 - (d) Without a warrant when a misdemeanor, as defined in KRS 431.060, has been committed in his presence; or
 - (e) Without a warrant when a violation of KRS 189.290, 189.393, 189.520, 189.580, 511.080, or 525.070 has been committed in his presence, except that a violation of KRS 189A.010 or KRS 281A.210 need not be committed in his presence in order to make an arrest without a warrant if the officer has probable cause to believe that the person has violated KRS 189A.010 or KRS 281A.210.
- (2)
 - (a) Any peace officer may arrest a person without warrant when the peace officer has probable cause to believe that the person has intentionally or wantonly caused physical injury to a family member or member of an unmarried couple.
 - (b) For the purposes of this subsection, the term "family member" has the same meaning as set out in KRS 403.720.
 - (c) For the purpose of this subsection, the term "member of an unmarried couple" has the same meaning as set out in KRS 403.720.
- (3) A peace officer may arrest a person without a warrant when the peace officer has probable cause to believe that the person is a sexual offender who has failed to comply with the Kentucky Sex Offender Registry requirements based upon information received from the Law Information Network of Kentucky.
- (4) For purposes of subsections (2) and (3) of this section, a "peace officer" is an officer certified pursuant to KRS 15.380.
- (5) If a law enforcement officer has probable cause to believe that a person has violated a condition of release imposed in accordance with KRS 431.064 and verifies that the alleged violator has notice of the conditions, the officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.
- (6) A private person may make an arrest when a felony has been committed in fact and he has probable cause to believe that the person being arrested has committed it.
- (7) If a law enforcement officer has probable cause to believe that a person has violated a restraining order issued under KRS 508.155, then the officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 170, sec. 17, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 182, sec. 24, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 132, sec. 31, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 119, sec. 3,

effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 23, sec. 16, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 345, sec. 4, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 172, sec. 14, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 455, sec. 33, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 258, sec. 5, effective July 15, 1988. -- Amended 1984 Ky. Acts ch. 165, sec. 23, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 309, sec. 1; and ch. 312, sec. 1, effective July 15, 1980 -- Created 1962 Ky. Acts ch. 234, sec. 31.