

### **35.045 Imposition of arrest.**

- (1) Arrest is the restraint of a person by an order not imposed as a punishment for an offense, directing him to remain within certain specified limits. Confinement is the physical restraint of a person.
- (2) An enlisted person may be ordered apprehended or into arrest or confinement by any officer by an order, oral or written, delivered in person, or through other subject persons, or through any person authorized by this code to apprehend persons. A commanding officer may authorize warrant officers or noncommissioned officers to order enlisted members of his command or subject to his authority into arrest or confinement.
- (3) An officer may be ordered into arrest or confinement only by a commanding officer to whose authority he is subject, by an order, oral or written, delivered in person or by another officer. The authority to order such persons into arrest or confinement may not be delegated.
- (4) No person shall be ordered into arrest or confinement except for probable cause.
- (5) Nothing in this section shall be construed to limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

**History:** Amended 1970 Ky. Acts ch. 56, sec. 7. -- Created 1954 Ky. Acts ch. 99, sec. 8, effective July 1, 1954.