

**431.005 Arrest by peace officers -- By private persons. (Effective January 1, 2016)**

- (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 or her presence; or
  - (c) Without a warrant when he or she 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 or her 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 or her presence, except that a violation of KRS 189A.010 or KRS 281A.210 need not be committed in his or her presence in order to make an arrest without a warrant if the officer has probable cause to believe that the person being arrested has violated KRS 189A.010 or KRS 281A.210; or
  - (f) Without a warrant when a violation of KRS 508.030 has occurred in the emergency room of a hospital without the officer's presence if the officer has probable cause to believe that the person being arrested has violated KRS 508.030. For the purposes of this paragraph, "emergency room" means that portion of a licensed hospital which has the primary purpose of providing emergency medical care, twenty-four (24) hours per day, seven (7) days per week, and three hundred sixty-five (365) days per year.
- (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, member of an unmarried couple, or another person with whom the person was or is in a dating relationship.
  - (b) As used in this subsection, "dating relationship," "family member," and "member of an unmarried couple" have the same meanings as defined in KRS 403.720 and 456.010.
  - (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 or she 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.

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**History:** Amended 2015 Ky. Acts ch. 102, sec. 42, effective January 1, 2016. -- Amended 2012 Ky. Acts ch. 128, sec. 1, effective July 12, 2012. -- 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.