

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 7
FRESH PURSUIT LAW

19-701. OFFICER OF ANOTHER STATE ENTERING STATE IN FRESH PURSUIT OF SUSPECTED FELON. Any member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state.

[19-701, added 1941, ch. 69, sec. 1, p. 133.]

19-701A. OFFICER OF THIS STATE IN FRESH PURSUIT OF SUSPECTED FELON. Any peace officer of this state in fresh pursuit of a person who is reasonably believed by him to have committed a felony in this state or has committed, or attempted to commit, any criminal offense or traffic infraction in this state in the presence of such officer, or for whom a warrant of arrest is outstanding for a criminal offense, shall have authority to pursue, arrest and hold in custody or cite such person anywhere in this state. All privileges and immunities from liability, exemption from law, ordinances and rules, all pension relief, disability, workmen's compensation, and other benefits which normally apply to peace officers while they perform their duties in their own jurisdiction shall also apply to them when acting as contemplated above. In addition, this protection shall also be applicable when a peace officer is acting in response to a request for assistance out of his employing jurisdiction. The cost of this protection shall be borne by the individual peace officer's employing jurisdiction.

[19-701A, added 1980, ch. 152, sec. 1, p. 322; am. 1981, ch. 137, sec. 1, p. 241; am. 1987, ch. 85, sec. 2, p. 160.]

19-702. PERSON ARRESTED TO BE TAKEN BEFORE MAGISTRATE -- EXTRADITION OR DISCHARGE. If an arrest is made in this state by an officer of another state in accordance with the provisions of section 1 of this act he shall without unnecessary delay take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state or admit him to bail for such purpose. If the magistrate determines that the arrest was unlawful he shall discharge the person arrested.

[19-702, added 1941, ch. 69, sec. 2, p. 133.]

19-703. CONSTRUCTION OF SECTION. Section 1 of this act shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

[19-703, added 1941, ch. 69, sec. 3, p. 133.]

19-704. DISTRICT OF COLUMBIA INCLUDED. For the purpose of this act the word "state" shall include the District of Columbia.

[19-704, added 1941, ch. 69, sec. 4, p. 133.]

19-705. "FRESH PURSUIT" DEFINED. The term "fresh pursuit" as used in this act shall include fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit as used herein shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

[19-705, added 1941, ch. 69, sec. 5, p. 133.]

19-706. CERTIFICATION OF ACT TO OTHER STATES. Upon the passage and approval by the governor of this act, it shall be the duty of the secretary of state (or other officer) to certify a copy of this act to the executive department of each of the states of the United States.

[19-706, added 1941, ch. 69, sec. 6, p. 133.]

19-707. SHORT TITLE. This act may be cited as the "Uniform Act on Fresh Pursuit."

[19-707, added 1941, ch. 69, sec. 8, p. 133.]