

2023 Kansas Statutes

12-4212. Arrest by law enforcement officer; when authorized. (a) Except as provided in subsection (b), a law enforcement officer may arrest a person under any of the following circumstances:

- (1) The officer has a warrant commanding that the person be arrested.
 - (2) A warrant for the person's arrest has been issued by a municipal court in this state.
 - (3) The officer has probable cause to believe that the person is committing or has committed a violation of an ordinance and that the person has intentionally inflicted bodily harm to another person.
 - (4) The law enforcement officer detained the person pursuant to subsection (c) or (d) of K.S.A. 12-4211, and amendments thereto:
 - (A) The person refuses to give a written promise to appear in court when served with a notice to appear;
 - (B) the person is unable to provide identification of self by presenting a valid driver's license or other identification giving equivalent information to the law enforcement officer;
 - (C) the person is not a resident of the state of Kansas; or
 - (D) the law enforcement officer has probable cause to believe that the person may cause injury to self or others or may damage property unless immediately arrested.
- (b) A law enforcement officer may not arrest a person who is charged only with committing an ordinance traffic infraction or an ordinance cigarette or tobacco infraction unless the person charged has received service of a notice to appear and has failed to appear for the infraction.

History: L. 1973, ch. 61, § 12-4212; L. 1984, ch. 127, § 1; L. 1984, ch. 39, § 29; L. 1985, ch. 78, § 3; L. 1996, ch. 214, § 20; July 1.