

35.045 Imposition of restraint.

- (1) Arrest is the restraint of a person by an order not imposed as a punishment for an offense, directing the person to remain within certain specified limits. Confinement is the physical restraint of a person.
- (2) An enlisted member may be ordered into arrest or confinement by any commissioned officer by an order, oral or written, delivered in person, or through other persons subject to this code. A commanding officer may authorize warrant officers, petty officers, or noncommissioned officers to order enlisted members of the commanding officer's command or subject to the commanding officer's authority into arrest or confinement.
- (3) A commissioned officer, a warrant officer, or a civilian subject to this code or to trial thereunder may be ordered into arrest or confinement only by a commanding officer to whose authority he or she is subject, by an order, oral or written, delivered in person or by another commissioned officer. The authority to order such persons into arrest or confinement may not be delegated.
- (4) No person may be ordered into arrest or confinement except for probable cause.
- (5) This section does not limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 32, sec. 13, effective June 25, 2013. -- Amended 1970 Ky. Acts ch. 56, sec. 7. -- Created 1954 Ky. Acts ch. 99, sec. 8, effective July 1, 1954.