

40-7-103. Grounds for arrest by officer without warrant

(a) An officer may, without a warrant, arrest a person:

- (1) For a **public offense** committed or a **breach of the peace threatened** in the officer's presence;
- (2) When the person has committed a felony, though not in the officer's presence;
- (3) When a **felony** has in fact been committed, and the officer has reasonable cause for believing the person arrested has committed the felony;
- (4) On a charge made, upon reasonable cause, of the commission of a felony by the person arrested;
- (5) Who is attempting to commit **suicide**;
- (6) At the scene of a **traffic accident** who is the driver of a vehicle involved in the accident when, based on personal investigation, the officer has probable cause to believe that the person has committed an offense under title 55, chapters 8 and 10. This subdivision (a)(6) shall not apply to traffic accidents in which no personal injury occurs or property damage is less than one thousand dollars (\$1,000), unless the officer has probable cause to believe that the driver of the vehicle has committed an offense under § 55-10-401;
- (7) Pursuant to § 36-3-619; **[domestic abuse]**
- (8) Who is the driver of a vehicle involved in a **traffic accident** either at the scene of the accident or up to four (4) hours after the driver has been transported to a health care facility, if emergency medical treatment for the driver is required and the officer has probable cause to believe that the driver has violated § 55-10-401; ‡

(9) When an officer has probable cause to believe a person has committed the offense of **stalking**, as prohibited by § 39-17-315;

(10) Who is the driver of a motor vehicle involved in a **traffic accident**, who leaves the scene of the accident, who is apprehended within four (4) hours of the accident, and the officer has probable cause to believe the driver has violated § 55-10-401;† or

(11) Pursuant to § **55-10-119**. [55-10-119. Detaining drivers involved in accidents involving serious bodily injury or death if driver does not have valid driver license and evidence of financial responsibility.]

(b) If a law enforcement officer has probable cause to believe that a person has violated one (1) or more of the **conditions of release** imposed pursuant to § 40-11-150, and verifies that the alleged violator received notice of the conditions, the officer shall, without a warrant, arrest the alleged violator regardless of whether the violation was committed in or outside the presence of the officer.

(c) Unless a law enforcement officer has probable cause to believe that an offense has been committed, no officer, except members of the Tennessee highway patrol acting pursuant to § 4-7-104, shall have the authority to stop a motor vehicle for the **sole purpose of examining or checking the license** of the driver of the vehicle.

History

Code 1858, § 5037; Shan., § 6997; Code 1932, § 11536; Acts 1957, ch. 82, § 1; 1981, ch. 401, § 1; T.C.A. (orig. ed.), § 40-803; Acts 1986, ch. 754, § 1; 1990, ch. 980, § 18; 1993, ch. 484, § 1; 1994, ch. 1002, § 1; 1995, ch. 507, § 7; 1999, ch. 138, § 4; 2005, ch. 296, § 1; 2005, ch. 482, § 2; 2012, ch. 737, § 2.

‡ 55-10-401. Driving under the influence prohibited --
Alcohol concentration in blood or breath.

It is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park, or apartment house complex, or any other premises that is generally frequented by the public at large, while:

- (1) Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess;
- (2) The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08%) or more; or
- (3) With a blood alcohol concentration of four-hundredths of one percent (0.04%) or more and the vehicle is a commercial motor vehicle as defined in § 55-50-102.