

[Code of the District of Columbia](#)

You Are Here

- ↪ [D.C. Law Library](#)
- ↪ [Code of the District of Columbia](#)
- ↪ [Title 23. Criminal Procedure.](#)
- ↪ [Chapter 5. Warrants and Arrests.](#)
- ↪ [Subchapter V. Arrest Without Warrant.](#)
- ↪ § 23–581. Arrests without warrant by law enforcement officers.

Previous

[Subchapter V. Arrest Without Warrant.](#)

Next

[§ 23–582. Arrests without warrant by other persons.](#)

Publication Information

Current through June 10, 2017

Last codified D.C. Law:

Law 22-2 effective June 10, 2017

Last codified Emergency Law:

Act 21-354 effective Mar. 23, 2016

Last codified Federal Law:

Public Law approved May 5, 2017

[Report Error](#)

[Website Feedback](#)

We cannot respond to questions regarding the law.

§ 23–581. Arrests without warrant by law enforcement officers.

(a)(1) A law enforcement officer may arrest, without a warrant having previously been issued therefor —

(A) a person who he has probable cause to believe has committed or is committing a felony;

(B) a person who he has probable cause to believe has committed or is committing an offense in his presence;

(C) a person who he has probable cause to believe has committed or is about to commit any offense listed in paragraph (2) and, unless immediately arrested, may not be apprehended, may cause injury to others, or may tamper with, dispose of, or destroy evidence; and

(D) a person whom he has probable cause to believe has committed any offense which is listed in paragraph (3) of this section, if the officer has reasonable grounds to believe that, unless the person is immediately arrested, reliable evidence of alcohol or drug use may become unavailable or the person may cause personal injury or property damage.

(2) The offenses referred to in subparagraph (C) of paragraph (1) are the following:

(A) The following offenses specified in the Act entitled “An Act to establish a code of law for the District of Columbia”, approved March 3, 1901, and listed in the following table:

Offense:	Specified in -
Assault	section 806 (D.C. Code, sec. 22-404).
Unlawful entry	section 824 (D.C. Code, sec. 22-3302).
Malicious burning, destruction or injury of another's property	section 848 (D.C. Code, sec. 22-303).

(B) The following offense specified in the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 ([D.C. Law 16-306](#); 53 DCR 8610):

Offense:	Specified in -
Voyeurism	section 105 (D.C. Code, sec. 22-3531).

(C) The following offenses specified in the District of Columbia Theft and White Collar Crimes Act of 1982, and listed in the following table:

Offense:	Specified in -
Theft of property valued less than \$250	section 111 [D.C. Official Code, § 22-3211].
Receiving stolen property	section 132 [D.C. Official Code, § 22-3232].
Shoplifting	section 113 [D.C. Official Code, § 22-3213].

(D) Attempts to commit the following offenses specified in the Act and listed in the following table:

Offense:	Specified in -
Theft of property valued in excess of \$250	section 111 [D.C. Official Code, § 22-3211].
Unauthorized use of vehicles	section 115 [D.C. Official Code, § 22-3215].

(E) The following offenses specified in the Illegal Dumping Enforcement Act of 1994 [Chapter 9 of Title 8], and listed in the following table:

Offense:	Specified in -
Unauthorized Disposal of Solid Waste	Section 3. [D.C. Official Code, § 8-902]

(F) The following offenses specified in section 113.7 of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 113.7).

Offense:	Specified in -
Illegal construction	section 113.7 (12A DCMR § 113.7)

(3) The offenses which are referred to in paragraph (1)(D) of this section are the following offenses specified in the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § [50-2201.01](#) et seq.), and listed in the following table:

Offense:	Specified in -
Aggravated reckless driving	section 9(b-1) (D.C. Official Code § 50-2201.04(b-1))
Fleeing from the scene of an accident	section 10(a) (D.C. Official Code § 50-2201.05(a))

Operating or physically controlling a vehicle when under the influence of intoxicating liquor or drugs, when operating ability is impaired by intoxicating liquor, or when the operator's blood, breath, or urine contains the amount of alcohol which is prohibited by section 10(b)	section 10(b) (D.C. Official Code § 50-2201.05(b))
Operating a motor vehicle when the operator's permit is revoked or suspended	section 13(e) (D.C. Official Code § 50-1403.01(e)).

(a-1) A law enforcement officer may arrest a person without an arrest warrant if the officer has probable cause to believe the person has committed an intrafamily offense as provided in section 16-1031(a).

(a-2) A law enforcement officer may arrest a person without an arrest warrant if the officer has probable cause to believe the person has committed an offense as provided in Chapter 23 of Title 22.

(a-3) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed an offense as provided in sections 22-3312.01, 22-3312.02, and 22-3312.03.

(a-4) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of unlawful entry of a motor vehicle as provided in [§ [22-1341](#)].

(a-5) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of tampering with a detection device as provided in [§ [22-1211](#)].

(a-6) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of engaging in an unlawful protest targeting a residence as provided in [§ [22-2752](#)].

(a-7) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of misdemeanor sexual abuse, misdemeanor sexual abuse of a child or minor, or lewd, indecent, or obscene acts, or sexual proposal to a minor, as provided in §§ [22-3006](#), [22-3010.01](#), and [22-1312](#).

(a-8) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of stalking as provided in § [22-3133](#).

(a-9) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of presenting a fraudulent identification document for the purpose of entering an establishment possessing an on-premises retailer's license, an Arena C/X license, or a temporary license as provided in § [25-1002](#)(b)(2).

(a-10) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has been directed by a releasing official pursuant to § [23-584](#)(d)(1) as a condition of release on citation to stay away from a particular place or a particular person, and the person has violated that condition.

(b) A law enforcement officer may, even if his jurisdiction does not extend beyond the District of Columbia, continue beyond the District, if necessary, a pursuit commenced within the District of a person who has committed an offense or who he has probable cause to believe has committed or is committing a felony, and may arrest that person in any State the laws of which contain provisions equivalent to those of section 23-901.

[\(July 29, 1970, 84 Stat. 629, Pub. L. 91-358, title II, § 210\(a\); Dec. 1, 1982, D.C. Law 4-164, § 601\(g\), 29 DCR 3976; Aug. 2, 1983, D.C. Law 5-24, § 4, 30 DCR 3341; Apr. 30, 1988, D.C. Law 7-104, § 7\(d\), 35 DCR 147; April 30, 1991, D.C. Law 8-261, § 3, 37 DCR 5001; May 5, 1992, D.C. Law 9-96, § 5, 38 DCR 7274; Nov. 17, 1993, D.C. Law 10-54, § 8, 40 DCR 5450; Feb. 5, 1994, D.C. Law 10-68, § 55\(a\), 40 DCR 6311; May 20, 1994, D.C. Law 10-117, § 8\(c\), 41 DCR 524; June 12, 2001, D.C. Law 13-309, § 3, 48 DCR 1613; Mar. 13, 2004, D.C. Law 15-105, § 93, 51 DCR 881; Oct. 18, 2005, D.C. Law 16-24, § 3, 52 DCR 8080; Dec. 10, 2009, D.C. Law 18-88, § 222, 56 DCR 7413;](#)

[May 26, 2011, D.C. Law 18-374, § 4, 58 DCR 715](#); [June 3, 2011, D.C. Law 18-377, § 15, 58 DCR 1174](#); [June 8, 2013, D.C. Law 19-316, § 5, 60 DCR 1713](#); [June 19, 2013, D.C. Law 19-320, § 202, 60 DCR 3390](#); [Apr. 24, 2015, D.C. Law 20-243, § 2\(a\)\(3\), 61 DCR 8320.](#))

Prior Codifications

1981 Ed., § 23-581.

1973 Ed., § 23-581.

Section References

This section is referenced in § [23-524](#) and § [23-582](#).

Effect of Amendments

[D.C. Law 13-309](#) added subsec. (a-3).

[D.C. Law 15-105](#), in subsec. (a)(2)(E), validated a previously made technical correction.

[D.C. Law 16-24](#) added subsec. (a)(2)(F).

[D.C. Law 18-88](#), in subsec. (a)(2)(A), added the line concerning malicious burning, destruction or injury of another's property; rewrote subsec. (a)(2)(B); and added subssecs. (a-4) and (a-5). Prior to amendment, subsec. (a)(2)(B) read as follows: "(B) Attempts to commit burglary as specified in section 823 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (D.C. Official Code, sec. 22-801)."

[D.C. Law 18-374](#) added subsec. (a-6).

[D.C. Law 18-377](#) added subsec. (a-7).

The 2013 amendment by [D.C. Law 19-316](#) substituted "Aggravated reckless driving section 9(b-1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925, (43 Stat. 1123; D.C. Official Code § [50-2201.04](#)(b-1)" for "Reckless driving section 9(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § [50-2201.04](#)(b)" in the table in (a)(3).

The 2013 amendment by [D.C. Law 19-320](#) substituted "misdemeanor sexual abuse, misdemeanor sexual abuse of a child or minor, or lewd, indecent, or obscene acts, or sexual proposal to a minor, as provided in §§ [22-3006](#), [22-3010.01](#), and [22-1312](#)" for "misdemeanor sexual abuse or misdemeanor sexual abuse of a child or minor as provided in sections 22-3006 and 22-3010.01" in (a-7); and added (a-8) and (a-9).

The 2015 amendment by [D.C. Law 20-243](#) added (a-10).

Cross References

Receiving stolen property, see § [22-3232](#).

Theft, see § [22-3211](#).

Unauthorized use of motor vehicles, see § [22-3215](#).

Emergency Legislation

For temporary (90 day) amendment of section, see § 3 of Abatement of Nuisance Construction Projects Emergency Amendment Act of 2005 (D.C. Act 16-42, February 17, 2005, 52 DCR 3045).

For temporary (90 day) addition, see § 2 of GPS Anti-Tampering Emergency Act of 2008 (D.C. Act 17-650, January 6, 2009, 56 DCR 909).

For temporary (90 day) amendment of section, see § 3 of GPS Anti-Tampering Emergency Act of 2008 (D.C. Act 17-650, January 6, 2009, 56 DCR 909).

For temporary (90 day) addition, see § 2 of GPS Anti-Tampering Congressional Review Emergency Act of 2009 (D.C. Act 18-41, April 7, 2009, 56 DCR 2674).

For temporary amendment of (a-7) and addition of (a-8) and (a-9), see § 202 of the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

For temporary (90 days) amendment of this section, see § 202 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

For temporary (90 days) amendment of this section, see § 5 of the Reckless Driving Emergency Act of 2013 (D.C. Act 20-75, May 23, 2013, 60 DCR 7597, 20 DCSTAT 1428).

Temporary Legislation

Section 3 of [D.C. Law 16-4](#) added subpar. (a)(2)(F) to read as follows: “(F) The following offenses specified in section 113.7 of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 113.7; 51 DCR 371).

“Offense: Illegal construction. Specified in § 113.7 (12A DCMR § 113.7).”

Section 6(b) of [D.C. Law 16-4](#) provides that the act shall expire after 225 days of its having taken effect.

Section 2 of D.C. Law 17-391 added a section to read as follows:

“Sec. 2. Tampering with detection device.

“(a) It shall be unlawful for a person who is required to wear a device as a condition of supervision pursuant to a protection order, pretrial, presentence, or predisposition release, probation, supervised release, parole, or commitment to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device, or to allow any unauthorized person to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device. For the purposes of this section, the term ‘device’ includes a bracelet, anklet, or other equipment equipped with electronic monitoring capability or global positioning system technology.

“(b) Whoever violates this section shall be fined not more than \$1,000, imprisoned for not more than 180 days, or both.”

Section 3 of D.C. Law 17-391 added subsec. (a-4) to read as follows:

“(a-4) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed an offense as provided in the GPS Anti-Tampering Emergency Act of 2008, passed on 2nd reading on January 6, 2009 (Enrolled version of Bill 17-1072).”

Section 5(a) of D.C. Law 17-391 provided that the act shall expire after 225 days of its having taken effect.

References in Text

The “District of Columbia Theft and White Collar Crimes Act of 1982”, referred to in subsection (a)(2)(C) of this section, and the “Act”, referred to in subsection (a)(2)(D) of this section, is [D.C. Law 4-164](#).

Bracketed translations of the references to the District of Columbia Theft and White Collar Crimes Act of 1982 have been inserted in subsections (a)(2)(C) and (a)(2)(D) of this section for the convenience of the user.

The “Illegal Dumping Enforcement Act of 1994”, referred to in (a)(2)(E) is [D.C. Law 10-117](#).

Editor's Notes

Section 8 of [D.C. Law 19-316](#) provided that the act shall apply as of June 1, 2013.

The codes and laws on this website are in the public domain.

Please do not scrape. Instead, bulk download the [HTML](#) or [XML](#).

Powered by the non-profit [Open Law Library](#).