

§407. Arrest or confinement

1. Definitions. As used in this section, unless the context otherwise indicates, the following words have the following meanings.

A. "Arrest" is the restraint of a person by an order directing the person to remain within certain specified limits and that is not imposed as a punishment for an offense. [RR 2019, c. 1, Pt. B, §24 (COR).]

B. "Confinement" is the physical restraint of a person. [PL 1983, c. 460, §3 (NEW).]
[RR 2019, c. 1, Pt. B, §24 (COR).]

2. Order. A person subject to this Code who is charged with an offense under this Code may be ordered into arrest or confinement, as circumstances require.

A. An enlisted person may be ordered into arrest or confinement by any 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 or noncommissioned officers to order enlisted persons of the commanding officer's command or subject to the commanding officer's authority into arrest or confinement. [PL 2001, c. 662, §44 (AMD).]

B. An officer or warrant officer may be ordered into arrest or confinement only by a commanding officer to whose authority the officer or warrant officer is subject. The order may be oral or written and delivered in person or by another officer. The authority to order officers or warrant officers into arrest or confinement may not be delegated. [PL 2001, c. 662, §44 (AMD).]
[PL 2001, c. 662, §44 (AMD).]

3. Not a limitation. Nothing in this section may be construed to limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until the proper authority may be notified.
[PL 1983, c. 460, §3 (NEW).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). PL 2001, c. 662, §44 (AMD). RR 2019, c. 1, Pt. B, §24 (COR).

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