

PART [IV] **D. [:] Arrest** Procedures In Summary Cases  
**[WHEN DEFENDANT IS ARRESTED WITHOUT WARRANT]**

**PART D(2). Arrests Without Warrant**

RULE [70] **440**. ARREST WITHOUT WARRANT.

When an arrest without a warrant in a summary case is authorized by law, a police officer who exhibits some sign of authority may institute proceedings by such an arrest.

COMMENT: **[This rule is derived from previous Rule 51A, subparagraphs (1)(c) and (3)(c).]**

Only a police officer, as defined in Rule [3] **103**, may institute a summary criminal proceeding by arrest. It is intended that these proceedings will be instituted by arrest only in exceptional circumstances such as those involving violence, or the imminent threat of violence, or those involving a danger that the defendant will flee.

The Vehicle Code provides the procedures for arresting a defendant without a warrant for a summary offense under that Code.

It is preferable that the officer making a stop for a traffic violation be in uniform.

NOTE: Previous Rule 70 adopted April 8, 1982, effective July 1, 1982; rescinded July 12, 1985, effective January 1, 1986 and replaced by present Rule [90] **109**. Present Rule 70 adopted July 12, 1985, effective January 1, 1986. The January 1, 1986 effective dates are all extended to July 1, 1986 [.] ; **renumbered Rule 440 and Comment revised March 1, 2000, effective April 1, 2001.**

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**COMMITTEE EXPLANATORY REPORTS:**

**Final Report explaining the March 1, 2000 reorganization and  
renumbering of the rules published with the Court's Order at Pa.B.  
( \_\_\_\_\_, 2000).**