



CHAPTER 15A
ARTICLE 17 - CRIMINAL PROCESS

N.C.G.S. § 15A-305.

Order for arrest.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2021-47, s. 6(a) — fifth act in the lineage	RETRIEVED 21 September 2026, 03:44 UTC	SOURCE FINGERPRINT 91a370ece00f40804042f3a3 - 74874370135ed1310106caea - 5e06251822c78037
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§ 15A-305(a) Definition. - As used in this section, an order for arrest is an order issued by a justice, judge, clerk, or magistrate that a law-enforcement officer take a named person into custody.

§ 15A-305(b) When Issued. - An order for arrest may be issued when:

- (1) A grand jury has returned a true bill of indictment against a defendant who is not in custody and who has not been released from custody pursuant to Article 26 of this Chapter, Bail, to answer to the charges in the bill of indictment.
- (2) A defendant who has been arrested and released from custody pursuant to Article 26 of this Chapter, Bail, fails to appear as required.
- (3) The defendant has failed to appear as required by a duly executed criminal summons issued pursuant to G.S. 15A-303 that charged the defendant with a criminal offense, or a citation issued by a law enforcement officer or other person authorized by statute pursuant to G.S. 15A-302 that charged the defendant with a misdemeanor.
- (4) A defendant has violated the conditions of probation.
- (5) In any criminal proceeding in which the defendant has become subject to the jurisdiction of the court, it becomes necessary to take the defendant into custody.
- (6) It is authorized by G.S. 15A-803 in connection with material witness proceedings.

- (7) The common-law writ of *capias* has heretofore been issuable.
- (8) When a defendant fails to appear as required in a show cause order issued in a criminal proceeding.
- (9) It is authorized by G.S. 5A-16 in connection with contempt proceedings.

§ 15A-305(c) Statement of Cause and Order; Copy of Indictment. -

- (1) The process must state the cause for its issuance and order an officer described in G.S. 15A-301(b) to take the person named therein into custody and bring him before the court. If the defendant is to be held without bail, the order must so provide.
- (2) When the order is issued pursuant to subdivision (b)(1), a copy of the bill of indictment must be attached to each copy of the order for arrest.

§ 15A-305(d) Who May Issue. - An order for arrest, valid throughout the State, may be issued by any person authorized to issue warrants for arrest.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
5 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1973

1997

2021

TICK HEIGHT = ACTS IN THAT YEAR

DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1973	c. 1286, s. 1	ENACTED
02	1975	c. 166, s. 6	AMENDED
03	1977	c. 711, s. 21	AMENDED
04	2003	S.L. 2003-15, s. 2	AMENDED
05	2021	S.L. 2021-47, s. 6(a)	AMENDED

APPARATUS II
5 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 15A-303	(b)(3)	"executed criminal summons issued pursuant to"
G.S. 15A-302	(b)(3)	"person authorized by statute pursuant to"
G.S. 15A-803	(b)(6)	"It is authorized by"
G.S. 5A-16	(b)(9)	"It is authorized by"
G.S. 15A-301(b)	(c)(1)	"and order an officer described in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 15A-305 (2021).

PINPOINT

N.C. Gen. Stat. § 15A-305(a) (2021).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 1286, s. 1; 1975, c. 166, s. 6; 1977, c. 711, s. 21; 2003-15, s. 2; 2021-47, s. 6(a).)

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