

amount specified in the endorsement referred to in Section 815a, and direct the defendant to appear before the court or magistrate by whom the warrant was issued on or before a day certain which shall in no case be more than 10 days after such admittance to bail. If bail be forthwith given, the magistrate shall take the same and endorse thereon a memorandum of the aforesaid order for the appearance of the defendant.

SEC. 825: TIME WITHIN WHICH DEFENDANT MUST BE TAKEN BEFORE MAGISTRATE: ATTORNEY MAY VISIT PRISONER: REFUSAL TO PERMIT VISIT A MISDEMEANOR FORFEITURE FOR REFUSAL AND RECOVERY THEREOF. The defendant must in all cases be taken before the magistrate without unnecessary delay, and, in any event, within 2 days after his arrest, excluding Sundays and holidays; and after such arrest, any attorney at law entitled to practice in the courts of record of California, may at the request of the prisoner or any relative of such prisoner, visit the person so arrested. Any officer having charge of the prisoner so arrested who willfully refuses or neglects to allow such attorney to visit a prisoner is guilty of a misdemeanor. Any officer having a prisoner in charge, who refuses to allow any attorney to visit the prisoner when proper application is made therefor shall forfeit and pay to the party aggrieved the sum of five hundred dollars, to be recovered by action in any court of competent jurisdiction.

SEC. 836: ARRESTS BY PEACE OFFICERS: ARREST UNDER WARRANT OR WITHOUT WARRANT. A peace officer may make an arrest in obedience to a warrant, or may without a warrant, arrest a person;

1. Whenever he has reasonable cause to believe that the person to be arrested has committed a public offense in his presence.

2. When a person arrested has committed a felony, although not in his presence.

3. Whenever he has reasonable cause to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed.

SEC. 842. NECESSITY THAT WARRANT BE IN POSSESSION OF ARRESTING OFFICER: WARRANT MUST BE SHOWN, WHEN. An arrest by a peace officer acting under a warrant is lawful even though the officer does not have the warrant in his possession at the time of the arrest, but if the person arrested so requests it, the warrant shall be shown to him as soon as practicable.

SEC. 847: DUTY OF PRIVATE PERSON MAKING ARREST TO TAKE PRISONER BEFORE MAGISTRATE OR DELIVER TO PEACE OFFICER. When peace officer not liable for false arrest or false imprisonment. A private person who has arrested another for the commission of a public offense must, without unnecessary delay, take the person arrested before a magistrate, or deliver him to a peace officer. There shall be no civil liability on the part of and no cause of action shall arise against any peace officer, acting within the scope of his authority, for false arrest or false imprisonment arising out of any arrest when—

(a) Such arrest was lawful or when such peace officer, at the time of such arrest, had reasonable cause to believe such arrest was lawful; or

(b) When such arrest was made pursuant to a charge made, upon reasonable cause, of the commission of a felony by the person to be arrested; or

(c) When such arrest was made pursuant to the requirements of Penal Code Sections 142, 838 or 839.

SEC. 849: ARREST WITHOUT WARRANT: PERSON ARRESTED TO BE TAKEN BEFORE NEAREST MAGISTRATE: COMPLAINT TO BE LAID: RIGHT OF PEACE OFFICER TO RELEASE PERSON ARRESTED FROM CUSTODY. (a) When an arrest is made without a warrant by a peace officer or private person, the person arrested, if not otherwise released, must, without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person must be laid before such magistrate.

(b) Any peace officer may release from custody, instead of taking such person before a magistrate, any person arrested without a warrant whenever:

(1) He is satisfied that there is no ground for making a criminal complaint against the person arrested. Any record of such arrest shall include a record of the release hereunder and thereafter shall not be deemed an arrest but a detention only.

(2) The person arrested was arrested for intoxication only, and no further proceedings are desirable.