

HOUSE BILL NO. 171

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MUÑOZ BY REQUEST

Introduced: 2/25/11

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to arrests without warrants by peace officers for certain
2 misdemeanors."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 12.25.030(b) is amended to read:

5 (b) In addition to the authority granted by (a) of this section, a peace officer

6 (1) shall make an arrest under the circumstances described in

7 AS 18.65.530;

8 (2) without a warrant may arrest a person if the officer has probable
9 cause to believe the person has, either in or outside the presence of the officer,

10 (A) committed a crime involving domestic violence, whether
11 the crime is a felony or a misdemeanor; in this subparagraph, "crime involving
12 domestic violence" has the meaning given in AS 18.66.990;

13 (B) committed the crime of violating a protective order in
14 violation of AS 11.56.740; [OR]

1 (C) violated a condition of release imposed under
2 AS 12.30.016(e) or 12.30.027; or

3 (D) committed a misdemeanor crime against a person
4 under AS 11.41 or an ordinance with elements similar to a crime against a
5 person under AS 11.41;

6 (3) without a warrant may arrest a person when the peace officer has
7 probable cause for believing that the person has

8 (A) committed a crime under or violated conditions imposed as
9 part of the person's release before trial on misdemeanor charges brought under
10 AS 11.41.270;

11 (B) violated AS 04.16.050 or an ordinance with similar
12 elements; however, unless there is a lawful reason for further detention, a
13 person who is under 18 years of age and who has been arrested for violating
14 AS 04.16.050 or an ordinance with similar elements shall be cited for the
15 offense and released to the person's parent, guardian, or legal custodian; or

16 (C) violated conditions imposed as part of the person's release
17 under the provisions of AS 12.30.