

AMENDMENT #1

OFFERED IN THE SENATE

TO: CSSSSB 91(FIN), Draft version "F"

BY MACKINNON

Page 22, line 15, through page 23, line 19:

Delete all material and insert:

"* Sec. 39. AS 12.25.180 is amended to read:

Sec. 12.25.180. When peace officer shall [MAY] issue citation or take person before the court. (a) Except when arrest is required under another provision of law, a peace officer shall issue a citation when [WHEN] a peace officer stops or contacts a person for the commission of a class C felony offense, a misdemeanor, or the violation of a municipal ordinance [, THE OFFICER MAY, IN THE OFFICER'S DISCRETION, ISSUE A CITATION TO THE PERSON] instead of taking the person before a judge or magistrate under AS 12.25.150, except the officer may arrest if [UNLESS]

(1) the person does not furnish satisfactory evidence of identity;

(2) [THE CONTACTING OFFICER REASONABLY BELIEVES THE PERSON IS A DANGER TO SELF OR OTHERS;

(3)] the crime for which the person is contacted is one involving violence or harm to another person or to property;

(3) the peace officer has probable cause to believe the person committed a crime of escape under AS 11.56.320 or 11.56.330, unlawful evasion under AS 11.56.335 or 11.56.340, unlawful contact under AS 11.56.750, or possession of child pornography under AS 11.61.127;

(4) the person refuses to accept service of the citation; or

(5) the peace officer reasonably believes there is a risk the defendant will fail to appear in court [(4) THE PERSON ASKS TO BE TAKEN

1 BEFORE A JUDGE OR MAGISTRATE UNDER AS 12.25.150; OR

2 (5) THE PEACE OFFICER HAS PROBABLE CAUSE TO BELIEVE
3 THE PERSON COMMITTED A CRIME INVOLVING DOMESTIC VIOLENCE; IN
4 THIS PARAGRAPH, "CRIME INVOLVING DOMESTIC VIOLENCE" HAS THE
5 MEANING GIVEN IN AS 18.66.990].

6 (b) When a peace officer stops or contacts a person for the commission of an
7 infraction or a violation, the officer shall issue a citation instead of taking the person
8 before a judge or magistrate under AS 12.25.150, except the officer may arrest if
9 [UNLESS]

10 (1) the person does not furnish satisfactory evidence of identity; [OR]

11 (2) the person refuses to accept service of the citation; or

12 (3) the peace officer has probable cause to believe the person has
13 committed

14 (A) a violation of conditions of release under AS 11.56.757;

15 or

16 (B) the offense of failure to appear under AS 11.56.730."