

When an Officer May Arrest

Shall Arrest

(Same as current law.)

Offense was committed within the previous 12 hours and is:

- Domestic violence other than homicide. AS 12.25.030(b)(1) and AS 18.65.530
- A violation of any of condition of release imposed in a domestic violence case. AS 12.25.030(b)(2)(C)
- A violation of one of the following conditions of release in a non-DV stalking case:
 - Follow conditions of protective order;
 - No contact with the victim;
 - Engage in counseling;
 - Participate in DOC Pretrial EM program.

AS 12.25.030(b)(2)(C)

- A violation of one of the following conditions of release in a non-DV SA, SAM, unlawful exploitation, or indecent exposure in the first degree case:
 - No contact with the victim;
 - Defendant must reside in a place where he/she is not likely to have contact with the victim;
 - No contact with a person under 18 except in normal course of business in a public place.

AS 18.65.530 and 12.30.016 (f)

- A violation of a DV, stalking, or SA protective order.
 - The sole exception to this mandatory arrest is if a prosecutor authorizes not to arrest.

Shall Arrest

(Same as current law.)

- Bench warrants issued by the court.

May Arrest

(misdemeanors and C felonies)

- Expands discretion to issue a citation to include class C felonies unless fits a shall arrest category above.
Effective 1/1/2017

May Arrest

(infractions and violations)

- No satisfactory evidence of ID.
- Person refuses to accept service of a citation.
- VCOR under AS 11.56.757. Effective 1/1/2017, though note current already allows this as discussed above.
- FTA under AS 11.56.730. Effective 1/1/2017

Remember: "Searches incident to arrest" are not permissible unless a suspect is arrested, i.e., placed in hand cuffs and admitted into a jail facility. A person is not arrested when a citation is issued.

