



REPRESENTATIVE CATHY MUÑOZ

HB171: Misdemeanor Arrest

Alaska law allows a peace officer to arrest for a felony without a warrant and to make mandatory arrests in any circumstance involving domestic violence, violation of a protective order and violations of conditions of release. However, not all criminal actions fit into these categories in which quick actions by peace officers are allowed.

Many scenarios surrounding criminal acts against a person, listed under AS 11.41 including assault and sexual assault, do not happen within sight of a peace officer. In the circumstance of a misdemeanor assault committed outside of the peace officer's presence where probable cause for an arrest is determined, an officer may not arrest without first obtaining a warrant from the district attorney. We trust peace officers to protect and serve the community, and in certain circumstances barriers are put forth which do not allow peace officers to remove individuals from the scene who bring immediate harm to others.

This legislation was brought to my attention at the request of the Juneau Police Department and has received support from police departments across the state. HB171 will expand the protections for individuals by allowing a peace officer to arrest for misdemeanor crimes against a person not committed in their presence if probable cause can be determined.