

**SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 33**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-FIRST LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES DYSON, Green, James, Kott**

**Introduced: 3/5/99**  
**Referred: Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to arrests."**

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

3 \* **Section 1.** AS 12.25 is amended by adding a new section to read:

4           **Sec. 12.25.025. Grounds for arrest by private person.** A private person may  
5 arrest a person without a warrant for a crime committed in this state or attempted in  
6 this state in the presence of the person making the arrest. A private person may not  
7 arrest a person for a crime not committed or attempted in the presence of the person  
8 making the arrest.

9 \* **Sec. 2.** AS 12.25.030(a) is amended to read:

10           (a) A [PRIVATE PERSON OR A] peace officer [WITHOUT A WARRANT]  
11 may arrest a person without a warrant

12                   (1) for a crime committed or attempted in the presence of the **officer**  
13 [PERSON] making the arrest;

14                   (2) when the person has committed a felony, although not in the  
15 presence of the **officer** [PERSON] making the arrest;

1 (3) when a felony has in fact been committed, and the **officer**  
 2 [PERSON] making the arrest has reasonable cause for believing the person to have  
 3 committed it;

4 **(4) when the officer has probable cause to believe the person has,**  
 5 **either in or outside the presence of the officer,**

6 **(A) committed a crime involving domestic violence, whether**  
 7 **the crime is a felony or a misdemeanor; in this subparagraph, "crime**  
 8 **involving domestic violence" has the meaning given in AS 18.66.990;**

9 **(B) committed the crime of violating a protective order in**  
 10 **violation of AS 11.56.740; or**

11 **(C) violated a condition of release imposed under**  
 12 **AS 12.30.025 or 12.30.027;**

13 **(5) when the peace officer has reasonable cause for believing that**  
 14 **the person has**

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

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

24 **(C) violated conditions imposed as part of the person's**  
 25 **release before trial on felony charges brought under AS 11.41.410 -**  
 26 **11.41.458.**

27 \* Sec. 3. AS 12.25.030(b) is amended to read:

28 (b) In addition to the authority granted by (a) of this section, a peace officer  
 29 [(1)] shall make an arrest under the circumstances described in  
 30 AS 18.65.530 [;

31 (2) WITHOUT A WARRANT MAY ARREST A PERSON IF THE

1 OFFICER HAS PROBABLE CAUSE TO BELIEVE THE PERSON HAS, EITHER  
2 IN OR OUTSIDE THE PRESENCE OF THE OFFICER,

3 (A) COMMITTED A CRIME INVOLVING DOMESTIC  
4 VIOLENCE, WHETHER THE CRIME IS A FELONY OR A  
5 MISDEMEANOR; IN THIS SUBPARAGRAPH, "CRIME INVOLVING  
6 DOMESTIC VIOLENCE" HAS THE MEANING GIVEN IN AS 18.66.990;

7 (B) COMMITTED THE CRIME OF VIOLATING A  
8 PROTECTIVE ORDER IN VIOLATION OF AS 11.56.740; OR

9 (C) VIOLATED A CONDITION OF RELEASE IMPOSED  
10 UNDER AS 12.30.025 OR 12.30.027;

11 (3) WITHOUT A WARRANT MAY ARREST A PERSON WHEN  
12 THE PEACE OFFICER HAS REASONABLE CAUSE FOR BELIEVING THAT THE  
13 PERSON HAS

14 (A) COMMITTED A CRIME UNDER OR VIOLATED  
15 CONDITIONS IMPOSED AS PART OF THE PERSON'S RELEASE BEFORE  
16 TRIAL ON MISDEMEANOR CHARGES BROUGHT UNDER AS 11.41.270;

17 (B) VIOLATED AS 04.16.050 OR AN ORDINANCE WITH  
18 SIMILAR ELEMENTS; HOWEVER, UNLESS THERE IS A LAWFUL  
19 REASON FOR FURTHER DETENTION, A PERSON WHO IS UNDER THE  
20 AGE OF 18 AND WHO HAS BEEN ARRESTED FOR VIOLATING  
21 AS 04.16.050 OR AN ORDINANCE WITH SIMILAR ELEMENTS SHALL  
22 BE CITED FOR THE OFFENSE AND RELEASED TO THE PERSON'S  
23 PARENT, GUARDIAN, OR LEGAL CUSTODIAN; OR

24 (C) VIOLATED CONDITIONS IMPOSED AS PART OF THE  
25 PERSON'S RELEASE BEFORE TRIAL ON FELONY CHARGES BROUGHT  
26 UNDER AS 11.41.410 - 11.41.458].

27 \* **Sec. 4.** AS 12.25.040 is amended to read:

28 **Sec. 12.25.040. Taking before judge or magistrate person arrested by**  
29 **private person [BYSTANDER].** A peace officer may, without warrant, take before  
30 a judge or magistrate a person who **has been** [, BEING ENGAGED IN A BREACH  
31 OF THE PEACE, IS] arrested by a **private person** [BYSTANDER] and delivered to

1 the peace officer.

2 \* **Sec. 5.** AS 12.30.020(e) is amended to read:

3 (e) The judicial officer shall inform the person of the penalties that may be  
4 imposed for a violation of the conditions of release and advise the person that a  
5 warrant for the person's arrest will be issued immediately upon a violation or that the  
6 person may be arrested without a warrant for a violation of conditions of release as set  
7 out in **AS 12.30.030** [AS 12.25.030(b)].