

SENATE BILL NO. 134

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATOR BUNDE

Introduced: 3/8/05

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to arrest; relating to investigation standards for police officers**
2 **conducting criminal investigations and violations of those standards."**

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 12.30.025 or 12.30.027;

3 (3) without a warrant may arrest a person when the peace officer has
4 reasonable cause for believing that the person has

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

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

13 (C) violated conditions imposed as part of the person's release
14 before trial on felony charges brought under AS 11.41.410 - 11.41.458;

15 **(4) shall make an arrest when the peace officer has reasonable**
16 **cause to believe that a crime has been committed and the person to be arrested**
17 **has admitted committing the crime to a peace officer or a peace officer has**
18 **listened to a recording of the admission.**

19 * **Sec. 2.** AS 18.65.220 is amended by adding a new subsection to read:

20 (b) The council shall

21 (1) adopt regulations setting minimum standards for police officers for
22 conducting criminal investigations, including standards for

23 (A) securing the crime scene;

24 (B) investigation at the crime scene;

25 (C) interviewing the crime victim, other witnesses, and any
26 suspects;

27 (D) collecting evidence at the crime scene and assisting with
28 the overall forensic evidence collection process;

29 (E) making an arrest decision;

30 (F) writing incident reports;

31 (G) follow-up investigation and response;

1 (H) addressing the safety and support needs of the crime
2 victim; and

3 (I) delivering the results of the investigation to the prosecutor.

4 (2) investigate complaints that a police officer has violated the
5 standards adopted in (1) of this subsection and, if the council finds that an officer has
6 violated those standards, may suspend or revoke a certificate issued under
7 AS 18.65.240 or require the police officer to obtain additional training.

8 * **Sec. 3.** AS 18.65.280(b) is amended to read:

9 (b) A political subdivision with an established police training program
10 meeting the requirements of **AS 18.65.220(a)(2) and (3)** [AS 18.65.220(2) AND (3)]
11 may exclude itself from the requirements of AS 18.65.240 by ordinance. The
12 exclusion has no effect on eligibility to receive federal or state grants.