

Introduced: 5/12/85
Referred: Judiciary
and Finance

1 IN THE HOUSE

BY MARROU

2

HOUSE BILL NO.447

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to citations for certain offenses."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 12.25.180(a) is amended to read:

9 (a) When a person is stopped or contacted by a peace officer for
10 the commission of a misdemeanor or the violation of a municipal ordi-
11 nance, the person shall [MAY, IN THE DISCRETION OF THE CONTACTING
12 PEACE OFFICER,] be issued a citation instead of being taken before a
13 judge or magistrate under AS 12.25.150, unless

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

16 (2) the contacting officer has reasonable and probable
17 cause to believe the person is a danger to self or others;

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

20 (4) the person asks to be taken before a judge or magis-
21 trate under AS 12.25.150; or

22 (5) the person refuses to accept the citation or to give a
23 written promise to appear as provided for under AS 12.25.190(c).

24 * Sec. 2. AS 12.25.190(a) is amended to read:

25 (a) When a person is contacted by a peace officer and the peace
26 officer is required to issue a citation under [EXERCISES THE OPTION
27 PROVIDED FOR IN] AS 12.25.180, the officer shall prepare a written
28 citation and issue it to the person.

29 * Sec. 3. AS 16.05.160 is amended to read:

1 Sec. 16.05.160. DUTY TO ARREST. Except as provided in AS 16.-
2 05.165(a), each [EACH] peace officer designated in AS 16.05.150 shall
3 arrest a person violating a provision of this title except AS 16.51
4 and AS 16.52, or any regulation adopted under this title except
5 AS 16.51 and AS 16.52, in the peace officer's presence or view, and
6 shall take the person for examination or trial before an officer or
7 court of competent jurisdiction [UNLESS IN THE JUDGMENT OF THE PEACE
8 OFFICER IT WOULD BE IN THE STATE'S BEST INTEREST TO ISSUE A WARNING OR
9 A CITATION UNDER AS 16.05.165].

10 * Sec. 4. AS 16.05.165(a) is amended to read:

11 (a) When a peace officer stops or contacts a person for [CON-
12 CERNING] a violation of this title except AS 16.51 and AS 16.52 or of
13 a regulation adopted under this title except AS 16.51 and AS 16.52
14 that is a misdemeanor, the peace officer shall [MAY, IN THE OFFICER'S
15 DISCRETION,] issue a citation to the person as provided in AS 12.25.-
16 180 unless in the judgment of the peace officer it would be in the
17 state's best interest to issue a warning.

18 * Sec. 5. AS 41.21.960(a) is amended to read:

19 (a) When a peace officer stops or contacts a person concerning
20 the commission of a misdemeanor offense committed within a park or
21 recreational facility subject to the department's supervision, the
22 officer shall [MAY] issue a citation to the person, subject to the
23 provisions of AS 12.25.180 - 12.25.230. The person receiving the
24 citation may not be required to endorse the citation.