

SENATE BILL NO. 350

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/9/94
Referred: STA, JUD

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to a defendant's violation of conditions of release; and providing
2 for an effective date."

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

4 * Section 1. FINDINGS AND PURPOSE. The legislature finds that, under existing law,
5 if a person accused of stalking, domestic violence, assault, or sexual assault confronts the
6 victim while the person is released on bail, or violates another condition of release, peace
7 officers are limited in their ability to protect the victim or the public in general because they
8 cannot make an immediate warrantless arrest. The legislature finds that, generally, the peace
9 officers must first meet with a prosecutor, go into court to make a motion to remand, and
10 obtain a court order before they can act to put the defendant back in jail. The legislature
11 further finds that, because a substantial number of these incidents involve repeat offenders
12 who often are impaired by alcohol or drugs, this lengthy procedure is particularly dangerous
13 for the public, especially those already victimized by the defendant. The purpose of this bill
14 is to enable Alaska's police officers to act quickly to arrest, without warrant or order,

1 defendants who are released on bail, when those peace officers have reasonable cause to
2 believe that the defendant has confronted the victim or has otherwise violated conditions of
3 release.

4 * Sec. 2. AS 12.25.030(b) is amended to read:

5 (b) In addition to the authority granted under (a) of this section, a peace officer
6 without a warrant may arrest a person when the peace officer has reasonable cause for
7 believing that the person has committed a crime under, or violated conditions
8 imposed as part of the person's release before trial on misdemeanor charges
9 brought under,

10 (1) AS 11.41.270 or AS 11.56.740; or

11 (2) AS 11.41, AS 11.46.330, or AS 11.61.120, or has violated an
12 ordinance with elements substantially similar to the elements of a crime under
13 AS 11.41, AS 11.46.330, or AS 11.61.120, when the victim is a spouse or former
14 spouse of the person who committed the crime; a parent, grandparent, child, or
15 grandchild of the person who committed the crime; a member of the social unit
16 comprised of those living together in the same dwelling as the person who committed
17 the crime; or another person who is not a spouse or former spouse of the person who
18 committed the crime but who previously lived in a spousal relationship with the person
19 who committed the crime or is in or has been in a dating, courtship, or engagement
20 relationship with the person who committed the crime.

21 * Sec. 3. AS 12.25.030 is amended by adding a new subsection to read:

22 (d) In addition to the authority granted by (a) and (b) of this section, a peace
23 officer without a warrant may arrest a person when the peace officer has reasonable
24 cause for believing that the person has violated conditions imposed as part of the
25 person's release before trial on felony charges brought under

26 (1) AS 11.41.100 - 11.41.320 when the victim is a spouse or former
27 spouse of the person who committed the crime; a parent, grandparent, child, or
28 grandchild of the person who committed the crime; a member of the social unit
29 comprised of those living together in the same dwelling as the person who committed
30 the crime; or another person who is not a spouse or former spouse of the person who
31 committed the crime but who previously lived in a spousal relationship with the person

1 who committed the crime or is in or has been in a dating, courtship, or engagement
2 relationship with the person who committed the crime; or

3 (2) AS 11.41.410 - 11.41.455.

4 * Sec. 4. AS 12.30.020(e) is amended to read:

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

10 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).