

**HB**

**33**



Alaska State Legislature

- Interim (May-Dec) -  
10928 Eagle River Rd. Suite 140  
Eagle River, Alaska 99577  
☎ (907) 694-6683  
FAX (907) 694-1015

- Session (Jan-May) -  
Alaska State Capitol  
Juneau, Alaska 99801-1182  
☎ (907) 465-2199  
FAX (907) 465-4587

Toll free (800) 342-2199

## REPRESENTATIVE FRED DYSON

### SSHB 33 Sponsor Statement

**"An Act relating to bounty hunters and to capturing criminal suspects or fugitives."**

The recent example of two heavily armed men, dressed in black, breaking into a private home in the middle of the night with drawn weapons illustrates the need for Alaska to stop bounty hunters from operating in our state.

Alaskan peace officers always honor felony warrants from other states and countries if the other jurisdiction wants the prospective felon extradited. Having contracted private citizens kidnap Alaskans and then forcibly transport them to another jurisdiction is very problematic in terms of protecting the human and civil rights of the kidnapped victim. In addition, the kidnappers (a.k.a. bounty hunters) are, themselves, at risk; most Alaskans have weapons at home and are quite unaccustomed to having their homes invaded by armed people without resisting vigorously.

Alaska Department of Public Safety personnel strongly support this effort to eliminate bounty hunters in our state.

- E-mail -  
Representative\_Fred\_Dyson  
@Legis.state.ak.us

- Internet -  
<http://www.akRepublicans.org>

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

BY REPRESENTATIVE DYSON

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)].

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-5355



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Representative Dyson  
Alaska State Legislature  
State Capital  
Juneau, Alaska 99801-1182

February 19, 1999

FEB 23 1999

Dear Representative Dyson,

At a recent meeting of the APOA Board of Directors, we unanimously agreed to endorse HB 33.

Please contact us if there is anything we can do to assist you with this bill as it proceeds through the legislative process. You may contact us at the APOA office in Anchorage at 277-0515.

Thank you for sponsoring this legislation.

Sincerely,

John Charbonneau  
State President  
Alaska Peace Officers Association

# Bounty hunters get no quarter

State tries to rein in practice, suspends moonlighting guards

The Associated Press

KENAI — One of the state's top prosecutors says Alaska officials want to sharply limit bounty hunting after two prison guards barged into a Nikiski house to capture a man wanted in Washington state.

The guards, moonlighting as bounty hunters, were charged with three counts of third-degree assault and one count of first-degree burglary after the Oct. 1 incident.

David Cameron, 45, and Ronald Williams, 54, both of Kenai, have since been suspended without pay from their jobs at the Wildwood Correctional Center.

Another man, Seth Oehler, 28, faces the same charges.

The three allegedly broke into the Nikiski home to take custody of an accused bail jumper from Washington state, 31-year-old Ricky Welch.

"The message we want to get out is that this will not be tolerated in Alaska," Dean Guaneli, Alaska's chief assistant attorney general, told the Peninsula Clarion of Kenai.

"Our position on this is that it

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*'Our position on this is that it represents a serious danger to innocent people. Where this has been a problem Outside, it has usually involved basically untrained yahoos getting liquored up and kicking in the wrong doors.'*

— Dean Guaneli, Alaska's chief assistant attorney general

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represents a serious danger to innocent people. Where this has been a problem Outside, it has usually involved basically untrained yahoos getting liquored up and kicking in the wrong doors."

Most bounty hunting involves relatively minor charges, Guaneli said. Bail jumpers fleeing serious felonies, such as violent crimes, usually are handled by official law enforcement personnel, he added.

"We're pretty good in Alaska about picking up and extraditing serious offenders," Guaneli said.

The Alaska Legislature has not

yet tried to regulate bounty hunters, and Guaneli said he is not sure another law is the answer.

It's not clear how much bounty hunting goes on in Alaska. There is no state statute requiring bounty hunters to check in with local police before going to work. And because the practice is unregulated there is no state information on bounty hunting.

"Whether there needs to be another statute remains to be seen," Guaneli said, "but this is an area where we certainly don't want to see a lot of free-lancing going on."

DEC 11 1998

AMENDMENT #1

4/28  
admitted

OFFERED IN THE HOUSE

BY REPRESENTATIVE DYSON

TO: SSHB 33

1 Page 4, following line 7:

2 Insert a new bill section to read:

3 <sup>6</sup>  
4 ~~\*\* Sec. 3.~~ AS 12.70.130 is amended to read:

5           **Sec. 12.70.130. Arrest without warrant.** The arrest of a person may also  
6 be lawfully made by a peace officer [OR A PRIVATE PERSON] without a warrant  
7 upon reasonable information that the accused stands charged in the courts of another  
8 state with a crime punishable by death or imprisonment for a term exceeding one  
9 year. When [, BUT WHEN] arrested, the accused must be taken before a judge or  
10 magistrate without unnecessary delay and, in any event, within 24 hours after arrest,  
11 including Sundays and holidays. A [, AND] complaint shall be made against the  
12 accused under oath setting out the ground for the arrest as in AS 12.70.120.  
13 Thereafter, the answer of the accused shall be heard as if the accused had been  
arrested on a warrant."

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DEC 11 1998

0-LS0240\D  
4/27/98

AMENDMENT

#2

4/28

adopted

OFFERED IN THE HOUSE

BY \_\_\_\_\_

TO: SSHB33, Draft version " D"

Page 4, Line 7

Delete "AS 12.30.030"

Add "AS 12.25.030"

This is just a typographical error.