

CS FOR HOUSE BILL NO. 171(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/7/11

Referred: Rules

Sponsor(s): REPRESENTATIVES MUÑOZ BY REQUEST, Lynn

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to arrests without warrants by peace officers for assault in the fourth**
2 **degree or an ordinance with elements similar to assault in the fourth degree under**
3 **certain circumstances."**

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

5 *** Section 1.** AS 12.25.030(b) is amended to read:

6 (b) In addition to the authority granted by (a) of this section, a peace officer

7 (1) shall make an arrest under the circumstances described in
8 AS 18.65.530;

9 (2) without a warrant may arrest a person if the officer has probable
10 cause to believe the person has, either in or outside the presence of the officer,

11 (A) committed a crime involving domestic violence, whether
12 the crime is a felony or a misdemeanor; in this subparagraph, "crime involving
13 domestic violence" has the meaning given in AS 18.66.990;

14 (B) committed the crime of violating a protective order in

1 violation of AS 11.56.740; [OR]

2 (C) violated a condition of release imposed under
3 AS 12.30.016(e) or 12.30.027; or

4 **(D) committed assault in the fourth degree under**
5 **AS 11.41.230 or an ordinance with elements similar to assault in the**
6 **fourth degree under AS 11.41.230 and the officer has reasonable cause to**
7 **believe that an arrest without a warrant is necessary to prevent imminent**
8 **physical harm to a person;**

9 (3) without a warrant may arrest a person when the peace officer has
10 probable cause for believing that the person has

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

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

19 (C) violated conditions imposed as part of the person's release
20 under the provisions of AS 12.30.