

HOUSE BILL NO. HB0144

Citation in lieu of arrest.

Sponsored by: Representative(s) Pelkey and Lindholm and
Senator(s) Case and Von Flatern

A BILL

for

1 AN ACT relating to criminal procedure; limiting peace officer
2 authority to arrest as specified; and providing for an
3 effective date.

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5 *Be It Enacted by the Legislature of the State of Wyoming:*

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7 **Section 1.** W.S. 7-2-102(b)(i), (iii)(intro), by
8 creating a new paragraph (iv) and by creating a new subsection
9 (c) is amended to read:

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11 **7-2-102. Preconditions for arrests.**

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13 (b) A peace officer may arrest a person without a
14 warrant when:

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1 (i) Any criminal offense punishable by
2 imprisonment is being committed in the officer's presence by
3 the person to be arrested;

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5 (iii) The officer has probable cause to believe
6 that a misdemeanor punishable by imprisonment has been
7 committed, that the person to be arrested has committed it
8 and that the person, unless immediately arrested:

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10 (iv) Either of the conditions in paragraph (i) or
11 (iii) are satisfied, except that the criminal offense is
12 punishable by imprisonment, if it appears that the person:

13

14 (A) Presents a danger to himself or others;

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16 (B) Will injure or destroy the property of
17 others;

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19 (C) Will not appear for future court
20 proceedings; or

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1 (D) Is not willing to accept the citation,
2 thereby promising to appear in court at the time and on the
3 date specified in the citation.

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5 (c) A peace officer shall not arrest a person for a
6 misdemeanor where the punishment upon conviction does not
7 include imprisonment unless authorized by this section.

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9 **Section 2.** This act is effective July 1, 2019.

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(END)