

1 AN ACT relating to arrests.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 431.015 is amended to read as follows:

- 4 (1) (a) KRS 431.005 to the contrary notwithstanding, and except as provided in
5 paragraphs (b), (c), and (d) of this subsection, a peace officer shall issue a
6 citation instead of making an arrest for a misdemeanor committed in his or her
7 presence, if there are reasonable grounds to believe that the person being cited
8 will appear to answer the charge. The citation shall provide that the defendant
9 shall appear within a designated time.
- 10 (b) A peace officer may make an arrest instead of issuing a citation for a
11 misdemeanor committed in his or her presence if the misdemeanor is:
- 12 1. A violation of KRS Chapter 508, 510, or 527, or KRS 189A.010,
13 511.050, 511.085, 512.030, 512.040, 514.030, 514.110, or 523.110;
 - 14 2. An offense in which the defendant poses a risk of danger to himself,
15 herself, or another person; or
 - 16 3. An offense in which the defendant refuses to follow the peace officer's
17 reasonable instructions.
- 18 (c) A peace officer shall make an arrest for violations of protective orders issued
19 pursuant to KRS 403.715 to 403.785 or an order of protection as defined in
20 KRS 456.010.
- 21 (d) A peace officer may make an arrest or may issue a citation for a violation of
22 KRS 508.030 which occurs in a hospital pursuant to KRS 431.005(1)(f).
- 23 (2) A peace officer may issue a citation instead of making an arrest for a violation
24 committed in his or her presence but may not make a physical arrest unless there are
25 reasonable grounds to believe that the defendant, if a citation is issued, will not
26 appear at the designated time or unless the offense charged is a violation of KRS
27 189.223, 189.290, 189.393, 189.520, 189.580, 235.240, 281.600, 511.080, or

1 525.070 committed in his or her presence or a violation of KRS 189A.010, not
2 committed in his or her presence, for which an arrest without a warrant is permitted
3 under KRS 431.005(1)(e).

4 (3) *A peace officer may issue a citation when he or she has probable cause to believe*
5 *that the person being issued the citation has committed a misdemeanor outside of*
6 *his or her presence, if there are reasonable grounds to believe that the person*
7 *being cited will appear to answer the charge. The citation shall provide that the*
8 *defendant shall appear within a designated time.*

9 (4) If the defendant fails to appear in response to the citation, or if there are reasonable
10 grounds to believe that he or she will not appear, a complaint may be made before a
11 judge and a warrant shall issue.

12 (5)~~(4)~~ When a physical arrest is made and a citation is issued in relation to the same
13 offense the officer shall mark on the citation, in the place specified for court
14 appearance date, the word "ARRESTED" in lieu of the date of court appearance.