

1 chapter punishable as a misdemeanor, the arrested person shall be
2 immediately taken before a magistrate or court within the county in
3 which the offense charged is alleged to have been committed and who
4 has jurisdiction of the offense and is nearest or most accessible
5 with reference to the place where the arrest is made, in any of the
6 following cases:

7 (1) When a person arrested demands an immediate appearance
8 before a magistrate or court;

9 (2) When the person is arrested upon a charge of negligent
10 homicide;

11 (3) When the person is arrested upon a charge of driving while
12 under the influence of alcohol, or under the influence of any
13 controlled substance, or under the influence of any other drug, or
14 under the combined influence of alcohol and any controlled
15 substance or any other drug;

16 (4) When the person is arrested upon a charge of failure to
17 stop in the event of an accident causing death, personal injury or
18 damage to property;

19 (5) When the person is arrested upon a charge of violating
20 section fourteen, article seventeen of this chapter relating to
21 weight violations except as otherwise provided in that section;

22 (6) When the person arrested is a resident of a state that has
23 not entered into a nonresident violator compact with this state;

24 (7) In any other event when the person arrested refuses to

1 accept the written notice to appear in court as his or her promise
2 to appear in court or to comply with the terms of the written
3 notice to appear in court as provided in section four of this
4 article; and

5 (8) When a person is arrested for driving with a suspended or
6 revoked driver's license for miscellaneous reasons or driving under
7 the influence of alcohol, having a concentration of alcohol of
8 eight hundredth of one percent or more by weight. When a person is
9 arrested for driving with a suspended or revoked driver's license
10 for miscellaneous reasons, the arresting officer may issue a charge
11 by citation if a magistrate or judge is not reasonably available.

12 (b) When the person arrested is a resident of a state that has
13 entered into a nonresident violator compact with this state, the
14 arresting officer shall issue the person a written notice as
15 provided in section four of this article and may not take the
16 person immediately before a magistrate or court, except under the
17 terms of the compact or under the circumstances set forth in
18 subsection (a) of this section.

NOTE: The purpose of this bill is to authorize arresting officers to charge by citation instead of prompt presentment before a magistrate when making an arrest for driving with a suspended or revoked driver's license for miscellaneous reasons if a magistrate or judge is not reasonably available.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.