

New law will reduce arrests for misdemeanors in Kentucky

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Starting Wednesday, Kentucky should begin seeing fewer people jailed for misdemeanor crimes like having a marijuana cigarette or a few pills.

Under a new law designed to ease jail overcrowding, police officers will have to issue citations rather than make arrests for dozens of misdemeanors, as long as they believe the suspect is no danger to himself or others and will appear in court to answer the charge.

The law also reduces some felony drug charges to misdemeanors that require citations rather than arrest, such as second-degree possession of a controlled substance.

ARRESTABLE MISDEMEANORS

Officers may still arrest for the following misdemeanors if they occur in front of the officer:

- Assault 4th degree
- Menacing
- Wanton endangerment 2nd degree
- Terroristic threatening 3rd degree
- Criminal abuse 3rd degree
- Stalking 2nd degree
- Violation of a stalking restraining order
- Sexual abuse 2nd degree
- Sexual abuse 3rd degree
- Sexual misconduct
- Indecent exposure 1st degree
- Indecent exposure 2nd degree
- Carrying concealed deadly weapon
- Defacing a firearm
- Possession of a defaced firearm
- Possession of a handgun by a minor
- DUI motor vehicle
- Violation of EPO/DVO/FPO

In addition, officers may arrest for misdemeanors with one of the following conditions:

- An offense in which the defendant poses a risk of danger to himself or another person.
- An offense in which the defendant refuses to follow the officer's reasonable instructions.

the changes. "This takes away some of those tools."

The law does allow officers to make arrests for some misdemeanors, such as fourth-degree assault, second- and third-degree sexual abuse, menacing, carrying a concealed deadly weapon and driving under the influence.

Still, enough confusion exists that the Justice and Public Safety Cabinet asked the state Attorney General's Office for clarification on whether the law still allows officers to make arrests for misdemeanor crimes such as alcohol intoxication, shoplifting and animal cruelty or torture.

The Attorney General's Office confirmed that police can still make arrests for those charges and for other misdemeanors in cases

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The changes were pushed by advocates who say there typically is no reason for people charged with misdemeanor crimes to spend time in jail, with taxpayers footing the bill.

"If someone has a marijuana cigarette, they really don't need to go to jail for that," said Louisville defense attorney Paul Gold, a former district court judge. "The person will still get a citation and make their court appearance. This will save a huge amount of money in terms of warehousing someone."

But some police agencies have complained that the law isn't clear on exactly which crimes are included and how much discretion police still have in deciding whether to make an arrest.

"I think police officers should have as many legal tools as possible," said Louisville Metro Police Chief Robert White, who is among those trying to prepare officers for