

**431.015 Citation for misdemeanor -- Failure to appear.**

- (1) (a) KRS 431.005 to the contrary notwithstanding, and except as provided in paragraphs (b), (c), and (d) of this subsection, a peace officer shall issue a citation instead of making an arrest for a misdemeanor committed in his or her presence, if there are reasonable grounds to believe that the person being cited will appear to answer the charge. The citation shall provide that the defendant shall appear within a designated time.
- (b) A peace officer may make an arrest instead of issuing a citation for a misdemeanor committed in his or her presence if the misdemeanor is:
  1. A violation of KRS Chapter 508, 510, or 527, or KRS 189A.010;
  2. An offense in which the defendant poses a risk of danger to himself, herself, or another person; or
  3. An offense in which the defendant refuses to follow the peace officer's reasonable instructions.
- (c) A peace officer shall make an arrest for violations of protective orders issued pursuant to KRS 403.715 to 403.785.
- (d) A peace officer may make an arrest or may issue a citation for a violation of KRS 508.030 which occurs in the emergency room of a hospital pursuant to KRS 431.005(1)(f).
- (2) A peace officer may issue a citation instead of making an arrest for a violation committed in his or her presence but may not make a physical arrest unless there are reasonable grounds to believe that the defendant, if a citation is issued, will not appear at the designated time or unless the offense charged is a violation of KRS 189.223, 189.290, 189.393, 189.520, 189.580, 235.240, 281.600, 511.080, or 525.070 committed in his or her presence or a violation of KRS 189A.010, not committed in his or her presence, for which an arrest without a warrant is permitted under KRS 431.005(1)(e).
- (3) If the defendant fails to appear in response to the citation, or if there are reasonable grounds to believe that he or she will not appear, a complaint may be made before a judge and a warrant shall issue.
- (4) When a physical arrest is made and a citation is issued in relation to the same offense the officer shall mark on the citation, in the place specified for court appearance date, the word "ARRESTED" in lieu of the date of court appearance.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 128, sec. 2, effective July 12, 2012. -- Amended 2011 Ky. Acts ch. 2, sec. 46, effective June 8, 2011. -- Amended 2000 Ky. Acts ch. 512, sec. 10, effective July 14, 2000. -- Amended 1984 Ky. Acts ch. 165, sec. 25, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 309, sec. 2, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 26, sec. 1, effective March 3, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 437, effective January 2, 1978. -- Created 1962 Ky. Acts ch. 234, sec. 33.