

[AS 12.50.201](#)

**Article 3. Temporary Detention and Identification of Persons.**

**Sec. 12.50.201. Temporary detention and identification of persons.**

- (a) A peace officer may temporarily detain a person under circumstances that give the officer reasonable suspicion that
- (1) the person witnessed or was at or near the scene of the commission of a felony crime against a person under [AS 11.41](#), arson under [AS 11.46.400](#) or 11.46.410, criminal mischief under [AS 11.46.475](#) or 11.46.480, or misconduct involving weapons under [AS 11.61.190](#) or 11.61.195(a)(3);
  - (2) the person has information of material aid in the investigation of that crime; and
  - (3) the temporary detention of the person is reasonably necessary to obtain or verify the identification of the person, to obtain an account of the crime, to protect a crime victim from imminent harm, or for other exigent circumstances.
- (b) A peace officer who temporarily detains a person under (a) of this section may
- (1) detain the person only as long as reasonably necessary to accomplish the purposes of that subsection;
  - (2) take one or more photographs of the person, if photographs can be taken without unreasonably delaying the person or removing the person from the vicinity; and
  - (3) if the person does not provide valid government-issued photographic identification or other valid identification that the officer finds to be reliable to identify the person, or the officer has reasonable suspicion that the identification is not valid,
    - (A) serve a subpoena on the person to appear before the grand jury where the crime was committed; and
    - (B) take the person's fingerprint impressions if
      - (i) the crime under investigation is murder, attempted murder, or misconduct involving weapons under [AS 11.61.190](#) or 11.61.195(a)(3); and
      - (ii) fingerprint impressions can be taken without unreasonably delaying the person or removing the person from the vicinity.
- (c) A peace officer electing to serve a subpoena under (b) of this section may not require the person to sign the subpoena or another document. The officer or the subpoena must advise the person that failure to honor the subpoena may be punishable as criminal contempt of court under [AS 09.50.010](#). A person receiving a subpoena to testify under (b) of this section may request the district attorney to withdraw the subpoena if, before the grand jury proceeding for which the person has been served a subpoena to appear, the person provides the peace officer who served the subpoena or the lead investigator with valid government-issued photographic identification or other valid identification that the officer or lead investigator finds to be reliable to identify the person.

(d) Photographs or fingerprints taken under (b) of this section

(1) may be used for identification purposes only, and not for criminal investigative purposes unless it is determined that the person is suspected of committing a crime within the scope of the investigation; and

(2) must be destroyed upon the earlier of the following occurrences unless it is determined that the person is suspected of committing a crime within the scope of the investigation:

(A) the person has testified in a grand jury or court proceeding in connection with the matter under investigation; or

(B) completion of the prosecution of the crime being investigated.

(e) This section does not limit the authority of peace officers to investigate crimes, to collect evidence, to photograph crime scenes, evidence, or bystanders, to issue lawful court process, or to ensure the welfare of crime victims or other persons.

(f) A person who refuses or resists the taking of photographs or fingerprints under this section commits a class B misdemeanor, punishable as provided in [AS 12.55](#), except that a sentence of imprisonment, if imposed, may not exceed 10 days.

(g) Notwithstanding (f) of this section, if the person establishes that the person does not have information of material aid in the investigation of the crime, it is within the discretion of the court to determine that this is a civil matter punishable by a civil fine of not more than \$1,000.

<http://www.akleg.gov/basis/statutes.asp#12.50.101>