



A STATE-BY-STATE GUIDE TO CITATIONS IN LIEU OF ARREST – A FOUNDATION OF RESPECTFUL AND EFFICIENT PRE-TRIAL DIVERSION

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“Citations in lieu of arrest” are permitted in every state—most commonly for low-level crimes. A citation is of course, a written or electronic order issued by a law enforcement officer or other authorized official. Instead of an arrest or continued detention, the citation releases the person on the promise to appear in court (or another government office) or, pay a fine.

Generally, a custodial arrest must be made if one or more of the factors below are present:

- There are reasonable grounds to believe the person will not appear in court, or the person has previously failed to appear.
- There are reasonable grounds to believe the person poses a danger to persons or property, or that the offense will continue.
- The person has outstanding warrants.
- A legitimate investigation or prosecution would be jeopardized by release.
- The person requires physical or behavioral health care—one example being intoxication.

State laws generally prohibit a citation from being issued in two common scenarios:

- The person refuses to sign a written promise to appear or requests to be taken before a judge.
- The person does not have or will not provide valid identification, or the provided identification cannot be verified and the person is unwilling to provide fingerprints.

The charts below provide more information on “citation in lieu of arrest” state laws (however named – and it varies). It focuses on the general authority provided to law enforcement for crimes and traffic offenses. Citation authority specific to other agencies are not identified in this chart (e.g., wildlife/fishing, off-road vehicles, boating, fire code regulations). Ordinances which are also often handled in this manner along with “V&T”, (Vehicle and Traffic) and many other violation types, are increasingly handled by diversion.



REFERENCES REGARDING CITATIONS IN LIEU OF ARREST

State & Statute	What Offenses Can a Citation be Issued for?	Exceptions	Presumption of Citation?	When is Citation Issued?	Who Issues Citation?
Alabama § 11-45-9.1	Class C misdemeanors	Offenses involving violence, threat of violence, alcohol or drugs	No	After arrest	Law enforcement officers
§ 32-1-4	Traffic misdemeanors	Offenses involving accident resulting in injury or death; impaired driving; felonies	Yes	After arrest	Law enforcement officers
Alaska § 12.25.180 (a)	Class C felonies; misdemeanors; municipal ordinances	Offenses involving violence to property or person; when there is probable cause that domestic abuse was involved	No	Prior to arrest	Peace officers
§ 12.25.180 (b)	Infractions or violations	Probable cause person violated conditions of release or failed to appear	Yes	Prior to arrest	Peace officers
Arizona § 13-3903	Misdemeanors and petty offenses	Violations of certain orders issued in marital and dissolution cases (§§ 25-315, -808) Prior to release for the following offenses, one or two-digit fingerprinting required: domestic violence involving injury or weapons, sexual offense, impaired driving (See § 13-3602)	No	After arrest	Peace officers
Arkansas § 27-50-603	Traffic misdemeanors	Negligent homicide; impaired driving; failure to stop for or involved in accident causing death, injury, or	No	After arrest	Law enforcement officers



		property damage (§ 27-50-602)			
Crim. Proc. R. 5.2	Misdemeanors	Violation of a post-conviction, no contact order (§ 5-4-106)	No	Either	Law enforcement officer or ranking officer
California Penal Code § 853.6	Misdemeanors	Offenses involving domestic violence or abuse (unless officer determines no reasonable likelihood that: (1) offense will continue or (2) safety of persons or property is imminently endangered); offenses that require a bail hearing, rather than release according to a bail schedule	Yes	After arrest	Law enforcement officers or their superiors (extends to custodial officers per § 831(f)(4) and public officers or employees per § 856.5)
§ 853.5	Infractions	None identified	Yes	After arrest	Law enforcement officers or their superiors
§ 818	Vehicle code misdemeanors or ordinances relating to stopping, standing, parking, operating a vehicle	None identified	No	Prior to arrest	Law enforcement officers or their superiors
Colorado § 16-3-105	Misdemeanors or petty offenses	Domestic violence offenses; protection order violations (§ 18-6-803.5)	No	After arrest	Law enforcement officers; responsible command officers
§§ 42-4-1705; - 1707	Vehicle misdemeanors or petty misdemeanors; misdemeanor traffic offenses	Offenses causing accident resulting in injury or death; impaired driving; failure to stop in accident causing death, injury, or property damage (§ 42-4-1705)	No	Either	Law enforcement officers



Connecticut § 54-1h	Misdemeanors; offenses with maximum punishment of one year imprisonment or a \$1,000 fine	Family violence crimes (§ 46b-38b)	No	After arrest	Arresting officers
§ 14-140	Motor vehicle violations	Impaired driving, using vehicle without permission, evading responsibility for injury, death, or damage.	No	After arrest	Arresting officers
Delaware 11 Del. C. § 1907	Misdemeanors	Probable cause of protection order violation (10 Del. C. § 1046)	No	Not specified	Peace officers
21 Del. C. §§ 703, 712	Violations of title 21 (traffic)	None identified	Yes	After arrest	Peace officers
District of Columbia § 23-584	Eligible misdemeanors	Charged with a dangerous crime, crime of violence, domestic violence, or felony	No	After arrest	Law enforcement officers or releasing officials
Florida § 901.28 superseded by R. Crim. Proc. 3.125	1st or 2nd degree misdemeanors; municipal and county ordinances	None identified	No	After arrest	Law enforcement officers or booking officers
§ 316.650	Traffic violations	None identified	No	Not specified	All traffic enforcement agencies
§ 162.23	Code or ordinance violations	None identified	No	No arrest	Code enforcement officers
Georgia § 17-4-23	Motor vehicle violations; purchase or attempt to purchase alcohol by a minor; or misdemeanor violations for criminal trespass, shoplifting, theft by refund fraud, and possession of certain drugs	None identified	No	After arrest	Law enforcement officers



§§ 17-6-11; 17-7-71	Any motor vehicle violation of title 40 and certain additional offenses (See §§ 15-5-21.1; 40-13-1)	Homicide by vehicle; use of vehicle in commission of a felony; leaving accident; racing; eluding an officer; driving without a license; serious traffic accidents (§ 40-5-54)	Yes	After apprehension	Law enforcement officers
Hawaii § 803-6	Misdemeanors and petty misdemeanors	None identified	No	Prior to arrest	Police officers
§ 286-10	Traffic offenses	None identified	Yes	After arrest	Authorized persons
Idaho §§ 19-3901; 49-1409	Misdemeanors or infractions triable by magistrate; misdemeanor traffic violations	Negligent homicide; impaired driving; failure to stop for accident resulting in death or injury (§ 49-1405)	No	Not specified	Law enforcement officers
Illinois 725 ILCS § 5/107-12	When there are reasonable grounds to believe that a person is committing or has committed a crime (See Sup. Ct. R. 552)	None identified	No	Not specified	Peace officers
Indiana § 35-33-4-1(f)	Misdemeanors	Traffic misdemeanors	No	Not specified	Law enforcement officers
§ 9-30-2-5	Traffic misdemeanors	Impaired driving; offense involving accident causing death, injuries, or property damage; driving with invalid license (§ 9-30-2-4)	Yes	After arrest	Law enforcement officers
Iowa § 805.1	When a crime has been committed in the presence of the police officer or reasonable grounds to	Offenses not eligible for bail; stalking	No	Either	Peace officers



	believe that a crime has been committed				
§ 805.6 (1)(a)	Traffic offenses; scheduled offenses for vehicles	Offenses listed in § 321.485	Yes	Not specified	Officers from depts. of public safety & transportation
§ 321.485 (written citation)	Simple, serious, or aggravated misdemeanors for ch 321 violations (vehicles and laws of the road)	None identified	No	Either	Officers; peace officers
Kansas § 22-2408	Misdemeanors	Traffic violations	No	After arrest	Law enforcement officers
§ 8-2106	Traffic misdemeanors, infractions, and additional listed offense	Impaired driving or fleeing; felonies (§ 8-2104)	No	Not specified	Law enforcement officers
Kentucky § 431.015 (1) (b) – (d); (2)	Misdemeanor impaired driving; assault; sexual crimes; crimes involving firearms or weapons; 4th degree assault in a hospital; possession of burglar tools; receiving stolen property; trespass on domestic violence shelter; false ID to officer; certain traffic violations; 3d degree trespass; harassment	Violation of protective order (§ 431.005 (5), (7))	No	Prior to arrest	Peace officers
§ 431.015 (1) (a) (3)	Misdemeanors (not listed above)	Violation of protective order (§ 431.005 (5), (7))	Yes - if committed in officer's presence. No - if not	Prior to arrest	Peace officers



			committed in officer's presence		
§ 431.450 (4)	Felonies	None identified	Not specified	Not specified	Peace officers
Louisiana C. Crim. Proc. Art. 211	Misdemeanors; felony theft or illegal possession of stolen items worth \$500-\$1,000; writing worthless checks; driving without license in possession	Felony charges when person has prior conviction	No, except for driving without license in possession	Prior to arrest	Peace officers
C. Crim. Proc. Art. 211.1	Outstanding warrant or attachment for misdemeanor	Impaired driving; offense with weapon or use of force or violence (except simple battery); domestic abuse battery; failure to pay child support; and any felony warrants	No	Prior to arrest	Peace officers (& magistrates)
Maine 17-A § 15-a	When there is probable cause to believe a crime has been or is being committed.	None identified	No	Prior to arrest	Law enforcement officers
Maryland Crim. Proc. Code § 4101(c)(1)(i)	Misdemeanors that do not carry a penalty of imprisonment; any misdemeanors with up to 90-day maximum penalty; and possession of marijuana.	Violation of peace or protective order; violation of a condition of pretrial release while charged with a sex crime against a minor; possession of an electronic control device after conviction of a drug felony or violent crime; abuse or neglect of an animal	Yes	Either	Peace officers
Crim. Proc. Code § 4-101 (c)(1)(ii)	Sale of alcohol to minor or intoxicated person; malicious destruction property <\$500; misdemeanor theft	None identified	No	Either	Peace officers



§§ Transp. Code 26-201, -202, 203	Traffic laws	Impaired driving; failure to assist or provide information at accident; driving with invalid license; any offense resulting in bodily harm/ death; fleeing; racing resulting in serious bodily injury; falsification of vehicle documents	Yes	Prior to arrest	Peace officers
Massachusetts 90C § 3 (B)	Automobile law misdemeanors	None identified	No	Prior to arrest	Police officers
Michigan § 764.9c	Misdemeanors with a maximum of 93 days' imprisonment	Domestic assault; violation of a protection order; crimes subject to mandatory confinement or mandatory condition of pretrial release	No	After arrest	Police officers
	Any offense less than felony	Domestic assault; violation of a protection order; crimes subject to mandatory confinement or mandatory condition of pretrial release	No	Prior to arrest	Authorized public servants
Minnesota § 626.862	Offenses not specified. Statute gives law enforcement officers the power to issue citations in lieu of arrest	Stalking; domestic abuse; violation of an order for protection; violation of a domestic abuse no contact order (§ 629.72)	No	Either	Peace officers
§ 169.91	Motor vehicle violations (registration, operation, or use of highways)	Accident resulting in injury or death; negligent homicide; impaired driving; failure to stop for accident causing injury or damage	Yes	After arrest	Peace officers
Crim. Proc. R. 6.01, subd. 1	Misdemeanors and petty misdemeanors		Yes, unless citation is for the following misdemeanors: drug	Either	Peace officers



			paraphernalia, prostitution, loitering, vehicle tampering, property damage, dangerous weapons, trespass, local drug ordinance violation. (§ 609.135)		
Crim. Proc. R. 6.01, subd. 2	Felonies and gross misdemeanors without warrant	Aggravated impaired driving (§ 169A.40)	No	After arrest	Peace officers; officer in charge of police or sheriff station
Mississippi § 99-3-18	Misdemeanors	Domestic violence; protection order violations (§ 99-3-7(3)(a))	No	After arrest	Police officers; booking officers; superiors
§§ 63-9-21, -23	Traffic violations under chapters 3, 5, 7	None identified	Not specified	Not specified	Police officers
Missouri § 300.580	Traffic law violations (See also Sup. Ct. R. 37)	None identified	No	Prior to arrest	Police officers
Montana § 46-6-310	When the officer has probable cause to believe a person has committed a crime	Arrest is preferred response for: partner or family member assault involving injury to victim, use of a weapon, violation of restraining order, or imminent danger to victim (§ 46-6-311)	No	Not specified	Peace officers
Nebraska § 29-422	Misdemeanors and infractions	Violations of protection order for domestic violence or sexual assault (§§ 28-311.11; 42-928)	No - misdemeanors Yes - infraction	Either	Peace officers
§ 60-684	Traffic infractions	None identified	Yes	Not specified	Peace officers
Nevada	Misdemeanors	Misdemeanors that require a bail hearing (§	No	Prior to arrest	Peace officers



§§ 171.1771; 177; -.122		171.178) Domestic battery (§ 171.137)			
§ 484A.630	Traffic misdemeanors	Failure to stop for mechanical condition inspection or weight restriction; impaired driving (§ 484A.730)	No	Prior to arrest	Peace officers
New Hampshire § 594:14	Misdemeanors	None identified	No	Prior to arrest	Peace officers
§ 262:44	Traffic violations	Reckless driving; impaired driving; transporting explosives or hazardous materials; certain speeding violations; traffic misdemeanors; traffic felonies	Yes	Not specified	Peace officers
New Jersey § 2B:12-21; Crim. Proc. R. 3:4-1	Offenses committed in an officer's presence	Violation of domestic violence protection order (§ 2C:25-31)	No	After arrest	Law enforcement officers
§ 39:5-25	Motor vehicle and traffic violations	None identified	No	Prior to arrest	Law enforcement officers
New Mexico § 31-1-6	Petty misdemeanors	None identified	No	After arrest	Law enforcement officers
§ 66-8-123	Motor vehicle misdemeanors	Impaired driving; failure to stop in accident causing injury, death, or damage; reckless driving; driving with invalid license for impaired driving/implied consent (§ 6-8-122)	Yes	After arrest	Law enforcement officers
New York Crim. Proc. Law §§ 140.10, 140.27, 150.20	When authorized to arrest without a warrant for an offense or crime (includes certain class E felonies) (See also Veh. & Traffic § 207)	Class A, B, C, D felonies; 3rd degree rape; 3rd degree criminal sex act; 2nd degree escape; 1st degree absconding from a temporary release; absconding from a community treatment facility,	No	Either	Police officers; authorized public servants



		2nd degree bail jumping (§ 150.20) Violation of a protection order; felony against a family or household member, or misdemeanor family offense (§ 140.10 (4))			
Crim. Proc. Law § 150.75	Possession of marijuana	None identified	Yes	After arrest	Police officers
North Carolina § 15A-302	Misdemeanors or infractions	None identified	No	Not specified	Law enforcement officers; other authorized persons
North Dakota § 29-05-31 (traffic); Crim. Proc. R. 5(e)	Crimes committed in an officer's presence; motor vehicle offenses	None identified	No	Either	Law enforcement officers
Ohio § 2935.26 (see Crim. Proc. R. 4.1)	Minor misdemeanors	None identified	Yes	Prior to arrest	Law enforcement officers
Crim. Proc. R. 4	Misdemeanors	None identified	No	Prior to arrest	Law enforcement officers
Oklahoma 22 § 209	Misdemeanors	None identified	No	After arrest	Law enforcement officers
Oregon §§ 133.055; -.070	Misdemeanors; felonies authorized by law to be reduced to misdemeanors; certain ordinances	Domestic disturbance with probable cause to believe that: an assault occurred between family or household members, or a person is in fear of imminent serious bodily injury; violation of a protection or restraining order (§ 133.310)	No	Either	Peace officers



§ 810.410	Traffic crimes or violations	None identified	No	Prior to arrest	Police officers
Pennsylvania Crim. Proc. R. 519; 441	2nd degree misdemeanors; 1st degree misdemeanors for impaired driving	None identified	Yes	After arrest	Law enforcement officers
Crim. Proc. R. 402	Summary offenses—punishable by a maximum of 90 days' incarceration (<i>See also</i> 18 Pa.C.S.A. § 106)	None identified	Yes	Prior to arrest	Law enforcement officers
Rhode Island §§ 12-7-11; -12	Misdemeanors	Domestic violence offenses and violent crimes against the elderly (§§ 12-29-1.4; -3)	No	Either	Peace officers; officer in charge of a police station
§ 31-27-12	Traffic offenses or possession of marijuana—observed by officer	None identified	Yes	Prior to arrest	Police officers
South Carolina § 56-7-10 (A)	Offenses enumerated in § 56-7-10 (all traffic offenses, plus 50+ non-traffic related offenses)	None identified	Yes	After arrest	Law enforcement officers
§§ 56-7-10 (B); -15	Misdemeanor offenses under magistrate's jurisdiction committed recently or in the officer's presence (maximum penalty of 30 days' jail and \$500 fine) (§ 22-3-540)	None identified	No	After arrest	Law enforcement officers
South Dakota § 23-1A-7	Public offenses	Probable cause of aggravated domestic assault or domestic	No	Prior to arrest	Law enforcement officers



	(See also § 22-1-2)	assault involving injury or threat of injury AND a protection order exists or there was an assault in the preceding 48 hours (§ 23A-32.1)			
§§ 23-1A-2, -5, -11	Traffic petty and misdemeanor offenses driving; driving with invalid license; driving through roadblock (§ 32-33-4)	None identified	Not specified	Not specified	Law enforcement officers
Tennessee § 40-7-118 (b) (1)	Misdemeanors	Driving under the influence unless the offender was admitted to a hospital or detained for medical treatment for at least three hours; misdemeanor traffic offenses (§ 40-7-118 (b) (2)) Accidents resulting in serious bodily injury or death where driver has neither a valid license nor proof of insurance (§ 55-10-119)	Yes	After arrest	Peace officers
§ 40-7-118 (b) (3)	Shoplifting; writing bad checks; use of invalid or fraudulent driver's license; in certain cases, assault and prostitution	None identified	No	After arrest	Peace officers
§ 55-10-207	Certain traffic misdemeanors; no proof of insurance; mobile home transport violations	Criminally negligent homicide; voluntary manslaughter or murder; impaired driving; accident causing death, injury, or property damage (§ 55-10203)	Yes, except for mobile home transport violations	After arrest	Law enforcement officers



Texas C. Crim. Proc. Art. 14.06.	Class C misdemeanors; Class A or B misdemeanors (occurring in county of residence) for driving while license invalid; contraband in correctional facility; theft of service; theft; graffiti; criminal mischief; possession of substance penalty group 2-A; possession of marijuana		No	After arrest	Peace officers
Transp. Code § 543.003	Misdemeanor violations – traffic laws	Failure to stop in accident causing damage to property (§ 543.002)	No	After arrest	Peace officers
Transp. Code § 543.004	Speeding, using wireless device while driving, open container violations	(See § 543.002)	Yes	Not specified	Peace officers
Utah § 77-7-18	Misdemeanors and infractions	Domestic violence if believe violence will continue or evidence of serious bodily injury or use of dangerous weapons (§ 77-36-2.2)	No	Either	Peace officers; public officials charged with enforcement of law authorized volunteers
Vermont R. Crim. Proc. 3 (b), (f)	Misdemeanors committed outside the presence of officer	Assault against a family member; impaired driving; hate-motivated crimes; stalking; simple assault; reckless endangerment; cruelty to children; failure to comply with sex offender registration; abuse of a vulnerable	Yes	Prior to arrest	Law enforcement officers



		adult; violation of a protection order			
Virginia § 19.2-74	Class 1 – 4 misdemeanors; nonjailable misdemeanors; ordinances	Impaired driving; public drunkenness; protection order violation; domestic assault (§ 19.2-81.3)	Yes	After arrest	Arresting officer; conservators of the peace
§ 46.2-936	Misdemeanor vehicle violations	Impaired driving of commercial vehicles	Yes	After arrest	Law enforcement officers
Washington § 10.31.100 Crim. R. Cts. Ltd Juris. 2.1 (appendix tit. 10)	Misdemeanors or gross misdemeanors committed in the presence of an officer	Offenses enumerated in § 10.31.100, including protection order violations, domestic assault	No	Either	Peace officers
§ 46.64.015	Traffic violations punishable as misdemeanor or by fine (committed in officer's presence)	Offenses enumerated in § 10.31.100 (3), including impaired driving, reckless driving, driving without a license	No	After arrest	Peace officers
West Virginia § 62-1-5a	Misdemeanors; shoplifting	Offenses involving injury to a person (§ 62-1-5a); domestic assault or battery (§ 48-271002 (c))	No	Prior to arrest	Law enforcement officers
§ 17C-19-4	Traffic misdemeanors	Negligent homicide; impaired driving; failure to stop in accident causing death, injury or property damage (§ 17C19-3)	No	After arrest	Law enforcement officers
Wisconsin § 968.085	Misdemeanors	Domestic abuse offenses if believe abuse will continue, involves physical injury, or the arrestee is the predominant aggressor (§ 968.075). Violation of protection order involving domestic abuse, child	No	Either	Law enforcement officers



		abuse, or harassment. (§ 968.07 (1m))			
§ 345.23	Traffic regulations	In certain impaired driving cases (§ 346.63)	Yes	After arrest	Law enforcement officers
Wyoming § 7-2-103	Misdemeanors	None identified	No	After arrest	Peace officers
§ 31-5-1205	Traffic misdemeanors	Vehicular homicide; impaired driving; failure to stop in accident resulting in injuries	Yes, except at scene of an accident	Not specified	Peace officers

