

State	DV Arrest Policy	Relevant Statute
Alabama	Officer's Discretion	Ala. Code 1975 § 15-10-3 (A)(8)
Alaska	Mandatory Arrest	Alaska Stat. § 18.65.530 (A)
Arizona	Mandatory Arrest	Ariz. Rev. Stat. Ann. § 13-3601 (B)
Arkansas	Pro-Arrest	Ark. Code Ann. § 16-81-113 (A)(1)(A)
California	Pro-Arrest	Cal. Penal Code § 836 (D)
Colorado	Mandatory Arrest	Colo. Rev. Stat. § 18-6-803.6
Connecticut	Mandatory Arrest	Conn. Gen. Stat. Ann. § 46b-38b (A)
Delaware	Officer's Discretion?	Del. Code Ann. Tit 11 § 1904 (reasonable grounds)
DC	Mandatory Arrest	D.C. Code Ann. § 16-1031
Florida	Pro-Arrest	Fla. Stat. Ann. § 741.29 (4)(B)
Georgia	Officer's Discretion	Ga. Code Ann., § 17-4-20 (A)
Hawaii	Officer's Discretion?	HI St § 803-5 (broad statute)
Idaho	Officer's Discretion	I.C. § 19-603
Illinois	Officer's Discretion	750 ICS 60/301
Indiana	Officer's Discretion	IC 35-33-1-1 (1)(A)(5)(B)
Iowa	Mandatory Arrest	Iowa Code Ann. §§ 236.12 (2); 804.7 (5)
Kansas	Mandatory Arrest	Kan. Stat. Ann. § 22-2307 (B)(1)
Kentucky	Officer's Discretion	KRS § 403.785 (2)
Louisiana	Mandatory Arrest	La. Rev. Stat. Ann. § 46-2140 (1)(aggravated or second degree battery), (2)(danger to victim exists where assault or simple battery occurred)
Maine	Mandatory Arrest	Me. Rev. Stat. Ann. Tit 19-A § 4012 (5)
Maryland	Officer's Discretion	Md. Crim. Proc. § 12-204 (A)(1)(I), (II)
Massachusetts	Pro-Arrest	Mass. Gen. Laws Ann. Ch. 209a § 6
Michigan	Pro-Arrest	Mich. Stat. Ann. §§ 28.874 (1), 28.1274(3)
Minnesota	Officer's Discretion	Minn. Stat. Ann. § 609.341
Mississippi	Mandatory Arrest	Miss. Code Ann. § 99-3-7 (3)
Missouri	Officer's Discretion	V.A.M.S. 455.085
Montana	Pro-Arrest	Mo. Rev. Stat. § 455.085.1 (requiring arrest for a second domestic violence incident within 12 hours); Mont. Code Ann. § 46-6-311 (2)(A)
Nebraska	Officer's Discretion	NE St § 29-404.02 (1)
Nevada	Mandatory Arrest	Nev. Rev. Stat. § 171.137
New Hampshire	Officer's Discretion?	N.H. Rev. Stat. Ann. § 594:10 (I)(B); N.H. Rev. Stat. Ann. § 173-B:9 (is ambiguous in directing that an officer "should" arrest the primary aggressor in the context of a discretionary arrest directive for domestic violence generally)
New Jersey	Mandatory Arrest?	N.J. Stat. Ann. § 2c:25-21 (mandates warrantless arrest only where injury resulted or weapon was used; may, in practice, be applied only in felony-level assaults)
New Mexico	Officer's Discretion	N.M.S.A. 1978, § 31-1-7 (A)
New York	Mandatory Arrest	N.Y. Crim. Proc. Law § 140.10 (4)(C)
North Carolina	Officer's Discretion	N.C.G.S.A. § 15a-401
North Dakota	Pro-Arrest	N.D. Cent. Code § 14-07.1-11 (2); N.D. Cent. Code § 14-07.1-10 (setting forth presumptive arrest policy)
Ohio	Mandatory Arrest?	Ohio Rev. Code Ann. § 2935.032 (A)(1)(A); Ohio Rev. Code Ann. § 2935.03 (B)(3)(B) (provides for a preferred arrest policy when there is "reasonable grounds" to arrest; however, when there is probable cause to arrest, arrest is mandatory)

Prepared by the American Bar Association Commission on Domestic Violence <http://www.abanet.org/domvioi>

The law is constantly changing! Please independently confirm the data you find here.

We are always grateful to receive corrections and updates at abacdvt@abanet.org

Domestic Violence Arrest Policies by State

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State	DV Arrest Policy	Relevant Statute
Oklahoma	Officer's Discretion	Okla. Stat. Tit. 22 § 40.3
Oregon	Mandatory Arrest	Or. Rev. Stat. § 133.055 (2)(A)
Pennsylvania	Officer's Discretion	18 Pa. Cons. Stat. Ann. § 2711
Rhode Island	Mandatory Arrest	R.I. Gen. Laws § 12-29-3
South Carolina	Mandatory Arrest	S.C. Code Ann. § 16-25-70
South Dakota	Mandatory Arrest	S.D. Codified Laws Ann. §§ 23a-3-2.1
Tennessee	Pro-Arrest	Tenn. Code Ann. § 36-3-619
Texas	Officer's Discretion	Vernon's Ann. Texas C.C.P. Art. 14.03 (A)(4)
Utah	Mandatory Arrest	Utah Code Ann. § 77-36-2.2
Vermont	Officer's Discretion	VT RCRP Rule 3
Virginia	Mandatory Arrest?	Va. Code Ann. § 19.2-81.3(authorizes officer discretion to determine whether "special circumstances" exist that dictate alternatives to arrest be used)
Washington	Mandatory Arrest	Wash. Rev. Code Ann. §10.31.100 (2)
West Virginia	Officer's Discretion	W. Va. Code, § 48-27-1002
Wisconsin	Pro-Arrest	Wis. Stat. Ann. § 968.075(3)
Wyoming	Officer's Discretion	Wyo. Stat. § 7-20-102

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