

30-LS0127\D
Wallace
2/9/17

CS FOR HOUSE BILL NO. 8()

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES EDGMON, Kopp, Fansler, Parish

A BILL

FOR AN ACT ENTITLED

"An Act relating to protective orders."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 11.56.740(a) is amended to read:

(a) A person commits the crime of violating a protective order if the person is subject to a protective order

(1) issued, [OR] filed, or recognized under AS 18.66 and containing a provision listed in AS 18.66.100(c)(1) - (7) and knowingly commits or attempts to commit an act with reckless disregard that the act violates or would violate a provision of the protective order;

(2) issued or recognized under AS 18.65.850, 18.65.855, [OR] 18.65.860, or 18.65.867 and knowingly commits or attempts to commit an act that violates or would violate a provision listed in AS 18.65.850(c)(1) - (3); or

(3) issued under AS 13.26.450 - 13.26.460 and knowingly commits or attempts to commit an act with reckless disregard that the act violates or would violate a provision of the protective order.

1 * **Sec. 2.** AS 11.56.740(c) is amended to read:

2 (c) In this section, "protective order" means an order issued, [OR] filed, or
3 recognized under AS 13.26.450 - 13.26.460, AS 18.65.850 - 18.65.870, or
4 AS 18.66.100 - 18.66.180.

5 * **Sec. 3.** AS 12.30.027(b) is amended to read:

6 (b) A judicial officer may not order or permit a person released under (a) of
7 this section to return to the residence or place of employment of the victim or the
8 residence or place of employment of a petitioner who has a protective order directed to
9 the person and issued, [OR] filed, or recognized under AS 18.66.100 - 18.66.180
10 unless

11 (1) 20 days have elapsed following the date the person was arrested;

12 (2) the victim or petitioner consents to the person's return to the
13 residence or place of employment;

14 (3) the person does not have a prior conviction for an offense under
15 AS 11.41 that is a crime involving domestic violence; and

16 (4) the court finds by clear and convincing evidence that the return to
17 the residence or place of employment does not pose a danger to the victim or
18 petitioner.

19 * **Sec. 4.** AS 12.65.130(a) is amended to read:

20 (a) The state child fatality review team shall

21 (1) assist the state medical examiner in determining the cause and
22 manner of the deaths in this state of children under 18 years of age;

23 (2) unless the child's death is currently being investigated by a law
24 enforcement agency, review a report of a death of a child within 48 hours of the report
25 being received by the medical examiner if

26 (A) the death is of a child under 10 years of age;

27 (B) the deceased child, a sibling, or a member of the deceased
28 child's household

29 (i) is in the legal or physical custody of the state under
30 AS 47 or under similar custody of another state or political subdivision
31 of a state; or

(ii) has been the subject of a report of harm under AS 47.17 or a child abuse or neglect investigation by the Department of Health and Social Services or by a similar child protective service in this or another state;

(C) a protective order issued, filed, or recognized under AS 18.66.100, [OR] 18.66.110, or 18.66.140 has been in effect during the previous year in which the petitioner or respondent was a member of the deceased child's immediate family or household; or

(D) the child's death occurred in a mental health institution, mental health treatment facility, foster home, or other residential or child care facility, including a day care facility;

(3) review records concerning

(A) abuse or neglect of the deceased child or another child in the deceased child's household;

(B) the criminal history or juvenile delinquency of a person who may have caused the death of the child and of persons in the deceased child's household; and

(C) a history of domestic violence involving a person who may have caused the death of the child or involving persons in the deceased child's household, including records in the central registry of protective orders under AS 18.65.540;

(4) if insufficient information exists to adequately determine the cause and manner of death, recommend to the state medical examiner that additional information be obtained under AS 12.65.020; and

(5) if a local, regional, or district child fatality review team has not been appointed under AS 12.65.015 or is not available, be available to provide recommendations, suggestions, and advice to state or municipal law enforcement or social service agencies in the investigation of deaths of children.

* **Sec. 5.** AS 18.65 is amended by adding a new section to read:

Sec. 18.65.867. Enforcement and recognition of protective orders issued in other jurisdictions. (a) A protective order issued in another jurisdiction has the same

effect and must be recognized and enforced in the same manner as a protective order issued by a court of this state if the protective order is

(1) issued by a court of the United States, a court of another state or territory, a United States military tribunal, or a tribal court;

(2) related to stalking or sexual assault that is not a crime involving domestic violence; and

(3) entitled to full faith and credit under 18 U.S.C. 2265.

(b) A protective order issued in another jurisdiction that appears authentic on its face is presumed valid.

* **Sec. 6.** AS 18.66.140(b) is amended to read:

(b) A protective order issued in another jurisdiction [FILED IN ACCORDANCE WITH (a) OF THIS SECTION] has the same effect and must be recognized and enforced in the same manner as a protective order issued by a court of this state, regardless of whether the protective order issued in another jurisdiction is filed as described in (a) of this section, if the protective order is

(1) issued by a court of the United States, a court of another state or territory, a United States military tribunal, or a tribal court;

(2) related to domestic violence; and

(3) entitled to full faith and credit under 18 U.S.C. 2265.

* **Sec. 7.** AS 18.66.140 is amended by adding a new subsection to read:

(d) A protective order issued in another jurisdiction that appears authentic on its face is presumed valid.

* **Sec. 8.** AS 25.24.210(e)(7)(D) and 25.24.220(h)(2)(D) are repealed.