



Explanation of Changes in Senate Committee Substitute for HB 8

SCSHB8(CRA) “Enforcement of Foreign Protective Orders”

In the Senate Community & Regional Affairs Committee, a new section was inserted into the bill to address 18 U.S.C. 2265(d)(3), a provision in the Violence Against Women Act pertaining to internet publication of certain protection orders.*

The Alaska Court System has been interpreting 18 U.S.C. 2265(d)(3) to apply only to protection orders issued in other jurisdictions. Other legal opinions assert that it applies to protection orders from domestic (meaning Alaska court) jurisdictions as well.

According to the Alaska Court System, the broad language in the amendment will result in all information relating to protection orders being removed from CourtView, the system’s online index of trial court cases. This includes both the name of the person being protected as well as the name of the person from whom protection is sought.

Specifically, on page 4 following line 22 of the original bill, a new Section 8 was inserted. This section amends AS 22.35.030, statutes detailing what the Court System is prohibited from publishing on a publically available website. At AS 22.35.030(2), the amendment adds:

“...a protection order under AS 18.65.850 – AS 18.65.870 or AS 18.66.100 – AS 18.66.180, restraining order, or injunction in a case involving domestic violence, stalking, or sexual assault if the publication would likely reveal the identity or location of the party protected under the order.”

Subsequent sections of the original bill were renumbered accordingly.

*18 U.S.C. 2265(d)(3) reads, “**Limits on Internet publication of registration information.**--A State, Indian tribe, or territory shall not make available publicly on the Internet any information regarding the registration, filing of a petition for, or issuance of a protection order, restraining order or injunction, restraining order, or injunction² in either the issuing or enforcing State, tribal or territorial jurisdiction, if such publication would be likely to publicly reveal the identity or location of the party protected under such order. A State, Indian tribe, or territory may share court-generated and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes.”