

**CS FOR HOUSE BILL NO. 222(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE HALL**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to victim counseling center protective orders; relating to attorney fees; relating to the crime of violating a protective order; relating to the powers of district judges and magistrates; amending Rules 4 and 65, Alaska Rules of Civil Procedure, and Rule 9, Alaska Rules of Administration; and providing for an effective date."**

**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, 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, 18.65.860, or 18.65.867 and knowingly commits or attempts to commit an act that violates or would

1 violate a provision listed in AS 18.65.850(c)(1) - (3); [OR]

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

5 (4) issued under AS 18.65.875 - 18.65.899 and knowingly commits  
6 or attempts to commit an act that violates or would violate a provision listed in  
7 AS 18.65.875(c).

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

9 (c) In this section, "protective order" means an order issued, filed, or  
10 recognized under AS 13.26.450 - 13.26.460, AS 18.65.850 - 18.65.899 [AS 18.65.850  
11 - 18.65.870], or AS 18.66.100 - 18.66.180.

12 \* **Sec. 3.** AS 13.26.460 is amended by adding a new subsection to read:

13 (i) Attorney fees may not be awarded against a petitioner or protected person  
14 seeking a protective order under AS 13.26.450, making an application under  
15 AS 13.26.455, or requesting modification of a protective order under (a) of this  
16 section.

17 \* **Sec. 4.** AS 18.65.530(a) is amended to read:

18 (a) Except as provided in (b) or (c) of this section, a peace officer, with or  
19 without a warrant, shall arrest a person if the officer has probable cause to believe the  
20 person has, either in or outside the presence of the officer, within the previous 12  
21 hours,

22 (1) committed domestic violence, except an offense under  
23 AS 11.41.100 - 11.41.130, whether the crime is a felony or a misdemeanor;

24 (2) committed the crime of violating a protective order in violation of  
25 AS 11.56.740(a)(1), [OR] (2), or (4);

26 (3) violated a condition of release imposed under AS 12.30.016(e) or  
27 (f) or 12.30.027.

28 \* **Sec. 5.** AS 18.65.540(a) is amended to read:

29 (a) The Department of Public Safety shall maintain a central registry of  
30 protective orders issued by or filed with a court of this state under AS 13.26.450 -  
31 13.26.460, AS 18.65.850 - 18.65.899 [AS 18.65.850 - 18.65.870], or AS 18.66.100 -

1 18.66.180. The registry must include, for each protective order, the names of the  
2 petitioner and respondent, their dates of birth, and the conditions and duration of the  
3 order. The registry shall retain a record of the protective order after it has expired.

4 \* **Sec. 6.** AS 18.65.540(b) is amended to read:

5 (b) A peace officer receiving a protective order from a court under  
6 AS 13.26.450, 13.26.455, AS 18.65.850 - 18.65.855, 18.65.875, 18.65.877, or  
7 AS 18.66.100 - 18.66.180, a modified order issued under AS 13.26.460,  
8 AS 18.65.860, 18.65.880, or AS 18.66.120, or an order dismissing a protective order  
9 shall take reasonable steps to ensure that the order, modified order, or dismissal is  
10 entered into the central registry within 24 hours after being received.

11 \* **Sec. 7.** AS 18.65.850(f) is amended to read:

12 (f) Within 30 days before, or within 60 days after, the expiration of a  
13 protective order issued or extended under this section, a petitioner may petition the  
14 court for an extension of the protective order. The court shall schedule a hearing and  
15 provide at least 10 days' notice to the respondent of the hearing and of the respondent's  
16 right to appear and be heard, either in person or through an attorney. If the court finds  
17 that an extension of the provisions of the order is necessary to protect the petitioner  
18 from stalking or sexual assault, regardless of whether the respondent appears at the  
19 hearing, the court may extend the provisions of the order. An extension granted under  
20 this subsection is effective for at least one year and not more than five years unless  
21 earlier dissolved by court order. If the court grants an extension before the protective  
22 order expires, the extension takes effect on the day the protective order would have  
23 expired.

24 \* **Sec. 8.** AS 18.65.865 is amended by adding a new subsection to read:

25 (e) Attorney fees may not be awarded against a petitioner seeking a protective  
26 order under AS 18.65.850 - 18.65.870.

27 \* **Sec. 9.** AS 18.65 is amended by adding new sections to read:

28 **Article 12A. Victim Counseling Center Protective Orders.**

29 **Sec. 18.65.875. Protective orders; eligible petitioners; relief.** (a) An  
30 employer that operates a victim counseling center may file a petition in the district or  
31 superior court for a protective order against an individual who the employer

1 reasonably believes

2 (1) committed an act of violence against the employer or an employee  
3 that occurred at the employer's victim counseling center; or

4 (2) made a threat of violence against the employer or an employee that  
5 can reasonably be construed as a threat that may be carried out at the employer's  
6 victim counseling center.

7 (b) When a petition for a protective order is filed, the court shall schedule a  
8 hearing and provide at least 10 days' notice to the respondent of the hearing and of the  
9 respondent's right to appear and be heard, either in person or through an attorney. If  
10 the court finds by a preponderance of evidence that the respondent has committed  
11 violence or made a threat of violence, regardless of whether the respondent appears at  
12 the hearing, the court may order any relief available under (c) of this section. The  
13 provisions of a protective order issued under this section are effective for six months  
14 unless earlier dissolved by the court.

15 (c) A protective order issued under this section may

16 (1) prohibit the respondent from making a threat to commit or  
17 committing violence;

18 (2) prohibit the respondent from telephoning, contacting, or otherwise  
19 communicating directly or indirectly with the petitioner;

20 (3) direct the respondent to stay away from the petitioner's victim  
21 counseling center, or space adjacent to the petitioner's victim counseling center, or any  
22 specified place frequented by the petitioner, during the normal course of the  
23 petitioner's business; however, if the respondent is an employee at the petitioner's  
24 victim counseling center, the court may order the respondent to stay away from the  
25 victim counseling center only if the respondent has been provided actual notice of the  
26 opportunity to appear and be heard on the petition;

27 (4) order other relief the court determines to be necessary to protect the  
28 petitioner's victim counseling center.

29 (d) If the court issues a protective order under this section, the court shall

30 (1) make reasonable efforts to ensure that the order is understood by  
31 the petitioner and the respondent; and

1 (2) have the order delivered to the appropriate local law enforcement  
2 agency for expedited service and entry into the central registry of protective orders  
3 under AS 18.65.540.

4 (e) A court may not deny a petition for a protective order solely because of a  
5 lapse of time between an act of violence or a threat of violence and the filing of the  
6 petition.

7 **Sec. 18.65.877. Victim counseling center ex parte protective orders.** An  
8 employer who may file a petition for a protective order against an individual under  
9 AS 18.65.875 may file a petition for an ex parte protective order against the  
10 individual. If the court finds that the petition establishes probable cause that recent  
11 violence has occurred or a recent threat of violence has been made, that it is necessary  
12 to protect the employer from further violence, and that the petitioner has certified to  
13 the court in writing the efforts, if any, that have been made to provide notice to the  
14 respondent, the court shall ex parte and without notice to the respondent issue a  
15 protective order. An ex parte protective order under this section may grant the  
16 protection allowed by AS 18.65.875(c). An ex parte protective order expires 20 days  
17 after it is issued unless dissolved earlier by the court at the request of either the  
18 petitioner or the respondent after notice and, if requested, a hearing. If the court issues  
19 an ex parte protective order, the court shall have the order delivered to the appropriate  
20 law enforcement agency for expedited service and entry into the central registry of  
21 protective orders under AS 18.65.540.

22 **Sec. 18.65.880. Modification of a victim counseling center protective order.**

23 (a) Either the petitioner or the respondent may request modification of a protective  
24 order issued under AS 18.65.875 or 18.65.877. If a request is made for modification of

25 (1) a protective order after notice and hearing under AS 18.65.875, the  
26 court shall schedule a hearing within 20 days after the date the request is made, except  
27 that if the court finds that the request is meritless on its face, the court may deny the  
28 request without further hearing; or

29 (2) an ex parte protective order under AS 18.65.877, the court shall  
30 schedule a hearing on three days' notice or on shorter notice as the court may  
31 prescribe.

1 (b) If a request for a modification is made under this section and the  
2 respondent raises an issue not raised by the petitioner, the court may allow the  
3 petitioner additional time to respond.

4 (c) If the court modifies a protective order under this section, the court shall  
5 issue a modified order and shall

6 (1) make reasonable efforts to ensure that the order is understood by  
7 the petitioner and the respondent; and

8 (2) have the order delivered to the appropriate local law enforcement  
9 agency for expedited service and for entry into the central registry of protective orders  
10 under AS 18.65.540.

11 **Sec. 18.65.885. Specific protective orders.** (a) If a respondent in a protective  
12 order issued under AS 18.65.875 - 18.65.880 is prohibited from communicating with  
13 the petitioner, excluded from the petitioner's victim counseling center or space  
14 adjacent to the petitioner's victim counseling center, or ordered to stay away from the  
15 petitioner as provided in AS 18.65.875(c)(2) - (4), an invitation by the petitioner to  
16 communicate, enter the petitioner's victim counseling center, or have other prohibited  
17 contact with the petitioner does not waive or nullify any provision in a protective  
18 order.

19 (b) A court may not order parties into mediation or refer them to mediation for  
20 resolution of the issues arising from a petition for a protective order under  
21 AS 18.65.875 - 18.65.899.

22 (c) In addition to other required information contained in a protective order,  
23 the order must include in boldface type the following statements:

24 (1) "Violation of this order may be a misdemeanor, punishable by up  
25 to one year of incarceration and up to a \$25,000 fine";

26 (2) "If you are ordered to have no contact with the petitioner or to stay  
27 away from the petitioner's victim counseling center or other place designated by the  
28 court, an invitation by the petitioner to have the prohibited contact or to be present at  
29 or enter the victim counseling center or other place does not in any way invalidate or  
30 nullify the order."

31 (d) A protective order issued under AS 18.65.875 - 18.65.899 is in addition to

1 and not in place of any other civil or criminal remedy. A petitioner is not barred from  
2 seeking an order under AS 18.65.875 - 18.65.899 because of the existence of another  
3 civil action between the petitioner and the respondent.

4 **Sec. 18.65.890. Forms for petitions and orders; fees.** (a) The Alaska Court  
5 System shall prepare forms for petitions, protective orders, and instructions for their  
6 use by an employer seeking a protective order under AS 18.65.875 - 18.65.899. The  
7 forms must conform to the Alaska Rules of Civil Procedure, except that information  
8 on the forms may be filled in by legible handwriting.

9 (b) In addition to other information required, a petition for a protective order  
10 must include a statement of pending civil or criminal actions involving the petitioner  
11 or the respondent. While a protective order is in effect or a petition for a protective  
12 order is pending, both the petitioner and the respondent have a continuing duty to  
13 inform the court of pending civil or criminal actions involving the petitioner or the  
14 respondent.

15 (c) The office of the clerk of each superior and district court shall make  
16 available to the public the forms a person seeking a protective order under  
17 AS 18.65.875 - 18.65.899 may need and instructions for the use of the forms. The  
18 clerk shall provide assistance in completing the forms and filing the forms.

19 (d) Filing fees may not be charged in any action seeking only the relief  
20 provided in AS 18.65.875 - 18.65.899.

21 (e) Attorney fees may not be awarded against a petitioner seeking a protective  
22 order under AS 18.65.875 - 18.65.899.

23 **Sec. 18.65.895. Service of process.** (a) Unless, on the record in court, the  
24 respondent has already been provided a copy of the court's order, process issued under  
25 AS 18.65.875 - 18.65.899 shall be promptly served and executed. If process is to be  
26 served on a respondent believed to be present or residing in a municipality, as defined  
27 in AS 29.71.800, or in an unincorporated community, process shall be served by a  
28 peace officer of that municipality or unincorporated community who has jurisdiction  
29 within the area of service. If a peace officer of the municipality or unincorporated  
30 community who has jurisdiction is not available, a superior court, district court, or  
31 magistrate may designate any other peace officer to serve and execute process. A state

1 peace officer shall serve process in any area that is not within the jurisdiction of a  
2 peace officer of a municipality or unincorporated community. A peace officer shall  
3 use every reasonable means to serve process issued under AS 18.65.875 - 18.65.899.  
4 A judge may not order a peace officer to serve a petition that has been denied by the  
5 court.

6 (b) Service of process under (a) of this section does not preclude a petitioner  
7 from using any other available means to serve process issued under AS 18.65.875 -  
8 18.65.899.

9 (c) Fees for service of process may not be charged in a proceeding seeking  
10 only the relief provided in AS 18.65.875 - 18.65.899.

11 **Sec. 18.65.897. Civil liability.** (a) A person may not bring a civil action for  
12 damages against the state, its officers, agents, or employees, or a law enforcement  
13 agency, its officers, agents, or employees for any failure to comply with the provisions  
14 of AS 18.65.875 - 18.65.899.

15 (b) A person may not bring a civil action for damages against an employer for  
16 seeking or failing to seek a protective order unless an employer seeks a protective  
17 order for an illegitimate purpose.

18 **Sec. 18.65.899. Definitions.** In AS 18.65.875 - 18.65.899,

19 (1) "course of conduct" has the meaning given in AS 11.41.270(b);

20 (2) "employee" means an individual employed by an employer but  
21 does not include an individual employed in the domestic service of any person;

22 (3) "employer" means a person who employs one or more other  
23 persons;

24 (4) "threat of violence" means a statement or course of conduct that  
25 recklessly places a person in fear of physical injury or death;

26 (5) "victim counseling center" has the meaning given in AS 18.66.250;

27 (6) "violence" means a crime under AS 11.41 that injures a person or  
28 places a person in fear of physical injury or death.

29 \* **Sec. 10.** AS 18.66.100(f) is amended to read:

30 (f) Within 30 days before, or within 60 days after, the expiration of a  
31 protective order issued or extended under (b)(2) of this section, a petitioner may

1 petition the court for an extension of the protective order. The court shall schedule a  
 2 hearing and provide at least 10 days' notice to the respondent of the hearing and of the  
 3 respondent's right to appear and be heard, either in person or through an attorney. If  
 4 the court finds that an extension of the provisions of the order is necessary to protect  
 5 the petitioner from domestic violence, regardless of whether the respondent appears at  
 6 the hearing, the court may extend the provisions of the order. An extension granted  
 7 under this subsection is effective for at least one year and not more than five years  
 8 unless earlier dissolved by court order. If the court grants an extension before the  
 9 protective order expires, the extension takes effect on the day the protective order  
 10 would have expired.

11 \* **Sec. 11.** AS 18.66.150 is amended by adding a new subsection to read:

12 (e) Attorney fees may not be awarded against a petitioner seeking a protective  
 13 order under AS 18.66.100 - 18.66.180.

14 \* **Sec. 12.** AS 22.15.100 is amended to read:

15 **Sec. 22.15.100. Functions and powers of district judge and magistrate.**

16 Each district judge and magistrate has the power

17 (1) to issue writs of habeas corpus for the purpose of inquiring into the  
 18 cause of restraint of liberty, returnable before a judge of the superior court, and the  
 19 same proceedings shall be had on the writ as if it had been granted by the superior  
 20 court judge under the laws of the state in those cases;

21 (2) of a notary public;

22 (3) to solemnize marriages;

23 (4) to issue warrants of arrest, summons, and search warrants  
 24 according to manner and procedure prescribed by law and the supreme court;

25 (5) to act as an examining judge or magistrate in preliminary  
 26 examinations in criminal proceedings; to set, receive, and forfeit bail and to order the  
 27 release of defendants under bail;

28 (6) to act as a referee in matters and actions referred to the judge or  
 29 magistrate by the superior court, with all powers conferred on [UPON] referees by  
 30 laws;

31 (7) of the superior court in all respects including contempts, attendance

1 of witnesses, and bench warrants;

2 (8) to order the temporary detention of a minor, or take other action  
3 authorized by law or rules of procedure, in cases arising under AS 47.10 or AS 47.12,  
4 when the minor is in a condition or surrounding dangerous or injurious to the welfare  
5 of the minor or others that requires immediate action; the action may be continued in  
6 effect until reviewed by the superior court in accordance with rules of procedure  
7 governing these cases;

8 (9) to issue a protective order in cases involving

9 (A) domestic violence as provided in AS 18.66.100 -  
10 18.66.180; [OR]

11 (B) stalking or sexual assault as provided in AS 18.65.850 -  
12 18.65.870; or

13 (C) violence related to a victim counseling center as  
14 provided in AS 18.65.875 - 18.65.899;

15 (10) to review an administrative revocation of a person's driver's  
16 license or nonresident privilege to drive, and an administrative refusal to issue an  
17 original license, when designated as a hearing officer by the commissioner of  
18 administration and with the consent of the administrative director of the Alaska Court  
19 System;

20 (11) to establish the fact of death or inquire into the death of a person  
21 in the manner prescribed under AS 09.55.020 - 09.55.069;

22 (12) to issue an ex parte testing, examination, or screening order  
23 according to the manner and procedure prescribed by AS 18.15.375.

24 \* **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to  
25 read:

26 **INDIRECT COURT RULE AMENDMENTS.** (a) AS 18.65.895, added by sec. 9 of  
27 this Act, has the effect of amending Rule 4, Alaska Rules of Civil Procedure, and Rule 9,  
28 Alaska Rules of Administration, relating to fees and service of process for a victim counseling  
29 center protective order.

30 (b) AS 18.65.875 - 18.65.899, added by sec. 9 of this Act, have the effect of  
31 amending Rule 65, Alaska Rules of Civil Procedure, by changing the method for obtaining

1 and the timing of temporary restraining orders.

2 \* **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to  
3 read:

4 APPLICABILITY. AS 18.65.850(f), as amended by sec. 7 of this Act, and  
5 AS 18.66.100(f), as amended by sec. 10 of this Act, apply to protective orders issued before,  
6 on, or after the effective date of this Act.

7 \* **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to  
8 read:

9 CONDITIONAL EFFECT. This Act takes effect only if sec. 13 of this Act receives  
10 the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the  
11 State of Alaska.

12 \* **Sec. 16.** If this Act takes effect under sec. 15 of this Act, it takes effect January 1, 2026.