

34-LS0864T
C. Radford
5/14/26

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

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

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

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

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

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

13 (2) issued or recognized under AS 18.65.850, 18.65.855, 18.65.860, or
14 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 an
11 act of violence against the employer or an employee at the employer's victim
12 counseling center, or that the respondent made a threat of violence against the
13 employer or an employee that may reasonably be construed as a threat that may be
14 carried out at the employer's victim counseling center, regardless of whether the
15 respondent appears at the hearing, the court may order any relief available under (c) of
16 this section. The provisions of a protective order issued under this section are effective
17 for six months unless earlier dissolved by the court.

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

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

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

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

30 (4) order other relief the court determines to be necessary to protect the
31 petitioner's victim counseling center, except that the court may not order a respondent

1 to surrender a firearm unless a firearm was used in the act of violence at the victim
2 counseling center or in the threat of violence at the victim counseling center.

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

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

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

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

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

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

31 (a) Either the petitioner or the respondent may request modification of a protective

1 order issued under AS 18.65.875 or 18.65.877. If a request is made for modification of

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

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

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

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

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

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

19 **Sec. 18.65.885. Specific protective orders.** (a) If a respondent in a protective
20 order issued under AS 18.65.875 - 18.65.880 is prohibited from communicating with
21 the petitioner, excluded from the petitioner's victim counseling center or space
22 adjacent to the petitioner's victim counseling center, or ordered to stay away from the
23 petitioner as provided in AS 18.65.875(c)(2) - (4), an invitation by the petitioner to
24 communicate, enter the petitioner's victim counseling center, or have other prohibited
25 contact with the petitioner does not waive or nullify any provision in a protective
26 order.

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

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

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

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

8 (d) A protective order issued under AS 18.65.875 - 18.65.899 is in addition to
9 and not in place of any other civil or criminal remedy. A petitioner is not barred from
10 seeking an order under AS 18.65.875 - 18.65.899 because of the existence of another
11 civil action between the petitioner and the respondent.

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

17 (b) In addition to other information required, a petition for a protective order
18 must include a statement of pending civil or criminal actions involving the petitioner
19 or the respondent. While a protective order is in effect or a petition for a protective
20 order is pending, both the petitioner and the respondent have a continuing duty to
21 inform the court of pending civil or criminal actions involving the petitioner or the
22 respondent.

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

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

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

31 **Sec. 18.65.895. Service of process.** (a) Unless, on the record in court, the

1 respondent has already been provided a copy of the court's order, process issued under
2 AS 18.65.875 - 18.65.899 shall be promptly served and executed. If process is to be
3 served on a respondent believed to be present or residing in a municipality, as defined
4 in AS 29.71.800, or in an unincorporated community, process shall be served by a
5 peace officer of that municipality or unincorporated community who has jurisdiction
6 within the area of service. If a peace officer of the municipality or unincorporated
7 community who has jurisdiction is not available, a superior court, district court, or
8 magistrate may designate any other peace officer to serve and execute process. A state
9 peace officer shall serve process in any area that is not within the jurisdiction of a
10 peace officer of a municipality or unincorporated community. A peace officer shall
11 use every reasonable means to serve process issued under AS 18.65.875 - 18.65.899.
12 A judge may not order a peace officer to serve a petition that has been denied by the
13 court.

14 (b) Service of process under (a) of this section does not preclude a petitioner
15 from using any other available means to serve process issued under AS 18.65.875 -
16 18.65.899.

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

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

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

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

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

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

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

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

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

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

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

7 (f) Within 30 days before, or within 60 days after, the expiration of a
8 protective order issued or extended under (b)(2) of this section, a petitioner may
9 petition the court for an extension of the protective order. The court shall schedule a
10 hearing and provide at least 10 days' notice to the respondent of the hearing and of the
11 respondent's right to appear and be heard, either in person or through an attorney. If
12 the court finds that an extension of the provisions of the order is necessary to protect
13 the petitioner from domestic violence, regardless of whether the respondent appears at
14 the hearing, the court may extend the provisions of the order. An extension granted
15 under this subsection is effective for at least one year and not more than five years
16 unless earlier dissolved by court order. If the court grants an extension before the
17 protective order expires, the extension takes effect on the day the protective order
18 would have expired.

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

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

22 * **Sec. 12.** AS 22.15.100 is amended to read:

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

24 Each district judge and magistrate has the power

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

29 (2) of a notary public;

30 (3) to solemnize marriages;

31 (4) to issue warrants of arrest, summons, and search warrants

1 according to manner and procedure prescribed by law and the supreme court;

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

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

8 (7) of the superior court in all respects including contempts, attendance
9 of witnesses, and bench warrants;

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

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

17 (A) domestic violence as provided in AS 18.66.100 -
18 18.66.180; [OR]

19 (B) stalking or sexual assault as provided in AS 18.65.850 -
20 18.65.870; or

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

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

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

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

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

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

7 (b) AS 18.65.875 - 18.65.899, added by sec. 9 of this Act, have the effect of
8 amending Rule 65, Alaska Rules of Civil Procedure, by changing the method for obtaining
9 and the timing of temporary restraining orders.

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

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

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

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

20 * **Sec. 16.** If this Act takes effect under sec. 15 of this Act, it takes effect January 1, 2027.