

CSHB 150 (JUD) – EXPLANATION OF CHANGES

The following is a description of the changes that have occurred between the originally introduced bill and the version before the House Finance Committee. A total of 40 amendments were made to the original version of the bill. The page references below refer to the current bill version.

1. The first two sections of the bill are newly added.
2. Page 4, line 18; Sec. 9. 13.26.207(a) - Following “attorney” inserted “**and other persons as ordered by the court**”.
3. Page 4, line 31-page 5, line 3; Sec. 9. AS 13.26.209(a) - Following “**person.**” inserted “**A petition filed on behalf of a protected person by another person must be accompanied by proof of service of the petition on the protected person or the person’s attorney unless service would cause an immediate threat of harm to the best interests of the protected person and the petition includes a written explanation of the harm.**”
4. Page 5, lines 10-12; Sec. 9. AS 13.26.209(a) - Replaced “**The court shall cause a copy of the protective order to be served on the respondent.**” with “**The court shall cause a copy of the protective order, any related orders, and a scheduling order, if any, to be served on the respondent and the protected person.**”
5. Page 5, lines 28-29; Sec. 9. AS 13.26.209(d) - Following “**notice to**” inserted “**the protected person and**” .
6. Page 6, lines 5-6; Sec. 9. AS 13.26.209(f) - Replaced “**A third party shall comply with a protective order issued under this section.**” with “**A third party that has received actual or legal notice of a protective order issued under this section shall comply with the order.**”
7. Page 6, line 10; Sec. 9. AS 13.26.209(f) - Replaced “**person**” with “**party**”.
8. Page 6, lines 12-15; Sec. 9. AS 13.26.209(f) - Following “**order.**” inserted “**As used in this section, “actual or legal notice” means delivery by mail or facsimile at the most recently known place of residence or business of the third party or registering with the Department of Public Safety.**”
9. Page 6, line 29; Sec. 10. AS 13.26.324 - The reference number 13.26.325 was already used, so Legal Services changed it to 13.26.324.

10. Page 7, line 1; Sec. 10. AS 13.26.324(2) - Replaced “**theft and related offenses**” with “**offenses against property**”.
11. Page 7, line 13; Sec. 11. AS 18.65.530(a)(2) - Replaced “**and**” with “**or**” .
12. Page 7, line 30-Page 8, line 10; Sec. 14. AS 44.21.415(g) - this is a new section
13. Page 10, lines 13-14; Sec. 19. AS 47.24.010(e) - Reinserted “**at the earliest opportunity**”.
14. Page 13, lines 5-8; Sec.28. AS 47.24.015(h) - this is a totally redrafted subsection.
15. Page 13, line 13; Sec. 28. AS 47.24.015(j) - Deleted (j) in the original bill and re-lettered the following subsections accordingly.
16. Page 13, line 28; Sec. 28. AS 47.24.015(m) - Replaced “**the following:**” and (1) – (4) with “**any person**”
17. Page 14, line 2; Sec. 29. AS 47.24.015(a) - Following “**guardian,**” inserted “**conservator,**” .
18. Page 14, line 11-12; Sec. 29. AS 47.24.015(a)(1) - Replaced “**divorce or dissolution**” with “**divorce, [OR] dissolution, or legal separation**” .
19. Page 15, line 9; Sec. 32. AS 47.24.017(a) - Replaced “**guardian or**” with “**guardian, conservator, [OR]**”.
20. Page 15, line 23; Sec. 33. AS 47.24.019(c) - Replaced “**a family member, caregiver, guardian, conservator, attorney-in-fact, trustee, or surrogate decision maker**” with “**any person.**”
21. Page 15, line 25; Sec. 33. AS 47.24.019(c) - Replaced “**a family member, caregiver, guardian, conservator, attorney-in-fact, trustee, or surrogate decision maker**” with “**person**”.
22. Page 16, line 10; Sec. 34. AS 47.24.050(b) - Following “**guardian,**” inserted “**conservator,**” .
23. Page 16, line 13; Sec. 34. AS 47.24.050(b) - Following “**guardian,**” inserted “**conservator,**” .

24. Page 17, line 4; Sec. 36. AS 47.24.900(2)(A) - Following **“intentional,”** inserted **“knowing,”** .
25. Page 17, line 21; Sec. 38. AS 47.24.900(4) - Replaced **“means”** with **“includes”**.
26. Page 17, line 31; Sec. 39. AS 47.24.900(7)(B) - Following **“deception,”** inserted **“fraud,”** .
27. Page 18, lines 1-2; Sec. 39. AS 47.24.900(7) (B) - Following **“duty;”** inserted **“in this paragraph, “fraud” has the meaning given in AS 13.26.324(1) and (2);”**
28. Page 18, line 4; Sec. 40. AS 47.24.900(9) - Following **“intentional,”** inserted **“knowing,”**.
29. Page 18, line 10; Sec. 40. AS 47.24.900(9) - Replaced **“means”** with **“includes”**.
30. Page 18, lines 12-26; Sec. 41. AS 47.24.900(11) - Legal Services reformatted this section, but there was no substantial change.
31. Page 18, line 19; Sec. 41. AS 47.24.900(11)(B)(D) - Replaced **“(iv) freezing an account at a financial institution;”** with **“(D) staying financial transactions;”**
32. Page 19, line 6; Sec. 42. AS 47.24.900(15)(D) - Following **“loss”** inserted **“, waste, or dissipation”** .
33. Page 19, lines 19-21; Sec. 44. AS 47.24.900(18) – Redrafted the definition of “fiduciary duty”.
34. Page 20, lines 16-18; Sec. 44. AS 47.24.900(21) - Replaced **“ “undue influence” means a person of trust or confidence uses the person’s role, relationship or authority to exploit”** with **“ “undue influence” means the use by a person who stands in a position of trust or confidence of the person’s role, relationship, or authority to wrongfully exploit”** .
35. Page 20, line 18; Sec. 44. AS 47.24.900(21) - Deleted **“deceptively”**.
36. Page 20, lines 26-29; Sec. 45. Direct Court Rule Amendments 12(h) - Replaced all bold language with **“In deciding whether to grant the motion, the court shall consider the victim’s circumstances and the effect that delay would have on the victim, particularly a victim of advanced age or extreme youth. The court shall place its findings on the record.”**
37. Page 21, lines 8-9; Sec. 46. Direct Court Rule Amendments 45(a) - Deleted all bold language.

38. Page 21, line 8; Sec. 46. Direct Court Rule Amendments 45(a) - Following “cases.” inserted **“The court shall consider the circumstances of the victim, particularly a victim of advanced age or extreme youth, in setting the trial date.”**

39. Page 21, lines 23-25; Sec. 47. Indirect Court Rule Amendments (c) - Due to the deletion of Page 12, lines 6-14; Sec. 25. AS 47.24.015(j) in original bill, deleted (c). Due to Page 4, lines 3-4; Sec. 7. AS 13.26.207(a) in original bill, inserted new (c).

40. Page 22, line 17; Sec. 51. Effective Date - Replaced **“immediately under AS 01.10.070(c).”** with **“July 1, 2011.”**