

**Representative  
Lindsey Holmes**

Capitol Room 405  
465-4919  
465-2137 fax



**MEMORANDUM**

Date: 20 January 2010

To: House Judiciary Committee

From: Rep. Lindsey Holmes

**RE: Supporting materials for HB 307**

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The following are supplemental materials associated with HB 307, specifically regarding the intent behind SB 54, the act that created sexual assault protective orders in 2006.

## Bill Edwards

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**From:** Bill Edwards  
**Sent:** Tuesday, January 19, 2010 10:34 AM  
**To:** 'Gayle\_Keller@legis.state.ak.us'  
**Subject:** SB 54 from 2006

Hi Gayle,

I am writing to both introduce myself and ask you guys a question. I am a new staffer for Rep. Holmes this session.

Sen. Dyson sponsored legislation in 2006 relating to protective orders, namely amending AS18.65.850 to include sexual assault as well as stalking as cause for granting a protective order.

It has come to our attention that there are some magistrate / district court judges who are reading AS 20.15.100 to mean that they have jurisdiction to grant protective orders for stalking but NOT for sexual assault. Our understanding is that this has resulted in women in rural communities having to go to a superior court judge, which is obviously quite difficult in a lot of places. We have filed a bill to amend AS 20.15.100 to explicitly roll sexual assault protective orders into magistrate / district court jurisdiction. It looks like this was just a minor oversight in the 2006 bill, but I wanted to give you guys a heads up and see if you could confirm that the intent of SB 54 was in fact to grant district courts the ability to grant these orders.

Thanks,

Bill Edwards

## **Bill Edwards**

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**From:** Chuck Kopp  
**Sent:** Tuesday, January 19, 2010 9:53 PM  
**To:** Bill Edwards  
**Subject:** SB 54 from 2006

Hello Bill,

Welcome to the Legislature. You and I are both in the “freshman” legislative aide category. It is going to be a great experience. To the point of your inquiry – Yes, the intent of the 2006 bill was to grant district courts the jurisdiction to issue stalking and sexual assault protective orders. Thanks for taking the initiative on amending AS 20.15.100 to make this clear.

Best regards,

Chuck

**Chuck Kopp**  
**Chief of Staff**  
**Senator Fred Dyson**  
**(907) 694-6683 (Eagle River)**  
**(907) 465-2199 (Juneau)**

Excerpts from minutes on SB 54, 2005/2006.

Sen. Dyson Feb 17, 2005:

SENATOR FRED DYSON, prime sponsor, explained that under current law a victim may get a restraining order for domestic violence and stalking, but it doesn't mention restraining orders if you've been a victim of sexual assault. SB 54 adds sexual assault to the list that a judge or magistrate may draw from to grant a restraining order. Although some judges do grant restraining orders to victims of sexual assault it's not clear in statute and some have refused to do so. SB 54 would make it clear to judges that they have that authority.

He noted that in drafting the bill, Legislative Legal elected to replicate the language from the domestic violence restraining orders. According to the Department of Law, it would have been better to have replicated the language in existing statutes related to stalking. Because of that opinion, he asked the committee to hold the bill to provide time to draft a committee substitute (CS).

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SERGEANT DAVE PARKER, special victims unit supervisor, Anchorage Police Department, said SB 54 would help the police protect victims of sexual assault. The problem has been that judges don't have clear direction. He described a case in which a neighbor raped a woman. When a detective took the victim to get a protective order the judge wouldn't issue the order because he said rape isn't a consensual sexual act.

SERGEANT PARKER emphasized no victim should be re-victimized with unwanted contact with the perpetrator and SB 54 will give sexual assault victims the same legal protection that domestic violence and stalking victims have now.