



# Alaska State Legislature

## Senator Matt Claman

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### Senate Bill 49

#### Sectional Analysis — Version I

##### **Section 1**

*AS 11.56.740. Violating a protective order.*

Amends AS 11.56.740(a) by adding a new subsection (4) to specify that a person commits the crime of violating a protective order if the person knowingly commits or attempts to commit an act that violates the provisions listed under the workplace violence protective order statutes.

##### **Section 2**

*AS 11.56.740. Violating a protective order.*

Amends AS 11.56.740(c) by adding the workplace violence protective order statutes to the meaning of “protective order.”

##### **Section 3**

*AS 13.26.460. Protective orders; modification; third-party compliance forms; fees.*

Amends AS 13.26.460 by adding new subsection (i) to prohibit attorney fees awarded against a petitioner or a protected person seeking a protective order under AS.26.450.

##### **Section 4**

*AS 18.65.530. Mandatory arrest for crimes involving domestic violence, violation of protective orders, and violation of conditions of release.*

Amends AS 18.65.530(a) by clarifying that the mandatory arrest statute for crimes involving domestic violence, violation of protective orders, and violation of conditions of release is subject to the requirements of sec. 1.

##### **Section 5**

*AS 18.65.540. Central registry of protective orders.*

Amends AS 18.65.540(a) to add the workplace violence protective order statutes to the central registry of protective orders maintained by the Department of Public Safety.

##### **Section 6**

*AS 18.65.540. Central registry of protective orders.*

Amends AS 18.65.540(b) to add the workplace violence protective order statutes to the list of protective orders a peace officer enters into the central registry within 24 hours of receiving.

##### **Section 7**

*AS 18.65.865 Service of process forms for petitions and orders; fees; warnings; notification; and pending civil or criminal actions.*

Amends AS 18.65.865 by adding new subsection (e) to prohibit attorney fees awarded against a petitioner seeking a protective order under AS 18.65.850 – 18.65.870.

## **Section 8**

Amends AS 18.65 to add a new section: “Article 12A. Workplace Violence Protective Orders.”

### **Sec. 18.65.875. Protective orders; eligible petitioners; relief.**

Section (a) gives employers the ability to file a petition for a protective order against an individual who the employer reasonably believes: (1) committed an act of violence against the employer or an employee; or (2) made a threat of violence against the employer or an employee that can reasonably be construed as a threat that may be carried out at the employer’s workplace.

Section (b) specifies that the court shall schedule a hearing and provide at least 10 days’ notice to the respondent.

Section (c) details prohibited behavior of the respondent after the court issues the protective order.

Section (d) describes the court’s responsibilities related to issuing a protective order.

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

### **Sec. 18.65.877. Ex parte protective orders for workplace violence.**

Gives employers the ability to file a petition for an ex parte protective order—a temporary order that would grant immediate protection.

### **Sec. 18.65.880. Modification of workplace violence protective order.**

Creates a process for either the petitioner or the respondent to request modification of a protective order.

### **Sec. 18.65.885. Specific protective orders.**

Specifies that an invitation by the petitioner or a named designated employee of the petitioner to have the prohibited contact or to be present at or enter the workplace, residence, vehicle, or other place does not in any way invalidate or nullify the protective order.

### **Sec. 18.65.890. Forms for petitions and orders; fees.**

Clarifies that the court system will prepare forms for petitions, protective orders, and instructions for their use by an employer seeking a protective order, and also establishes that attorney fees may not be awarded against a petitioner seeking a protective order under AS 18.65.875 – 18.65.899.

### **Sec. 18.65.895. Service of process.**

Clarifies that protective orders should be promptly served and executed.

### **Sec. 18.65.897. Civil liability**

Establishes civil liability provisions.

### **Sec. 18.65.899. Definitions**

Makes the definitions of “course of conduct,” “employee,” “employer,” “threat of violence,” “violence,” and “workplace” apply to the workplace violence protective statutes.

### **Section 9**

*AS 18.66.150 Forms for petitions and orders; fees.*

Amends 18.66.150 by adding new subsection (e) to prohibit attorney fees from being awarded against a petitioner seeking a protective order under AS 18.66.100 – 18.66.180.

### **Section 10**

*AS 22.15.100. Functions and powers of district judge and magistrate.*

Amends AS 22.15.100(9) by adding a new section (C) to give district judges and magistrates the power to issue a protective order in cases involving workplace violence.

### **Section 11**

*Uncodified law – Indirect court rule amendments*

Specifies amendments to: Rule 4, Alaska Rules of Civil Procedure, Rule 9, Alaska Rules of Administration, relating to fees and service of process for a workplace violence protective order, and Rule 65, Alaska Rules of Civil Procedure, by changing the method for obtaining and the timing of temporary restraining orders.

### **Section 12**

*Uncodified law - applicability*

Makes sec. 8 conditional on approval by the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska for a court rule change.

### **Section 13**

*Effective Date*

If sec. 9 takes effect, it takes effect on January 1, 2026.