



Sponsor Statement

House Bill 221 Protection Orders from Other Jurisdictions

In 2014, a bill sponsored by Sen. Lisa Murkowski and then Sen. Mark Begich eliminated the "Alaska Exemption" from the Violence Against Women Act (VAWA). This brought attention to the state's obligation to enforce protection orders issued by other jurisdictions, including other state, territorial, or tribal courts.

As current statutes are written, law enforcement is only compelled to enforce a tribal or another state's protection order if it has been filed (that is, registered) in an Alaska court. However, with Alaska subject to the VAWA, the state is required to enforce protection orders issued in another jurisdiction even if the order has not been registered.

HB 221 follows the recommendation of Attorney General Craig Richards to amend conflicting state statutes in order to bring Alaska into compliance with the federal law. HB 221 will not only clarify the duties of law enforcement but also will eliminate potential lawsuits that could stem from the contradictions currently found in state statutes.

Additionally, the bill adds a presumption of validity on the part of state law enforcement, so that they are required to enforce a protective order issued in another jurisdiction so long as it appears authentic on its face. HB 221 also more clearly specifies in statute that "other states" and "other jurisdictions" include courts of another state or territory, United States military tribunals, and tribal courts.

It's important to note that the state still encourages registration of protection orders from other jurisdictions. As the attorney general notes in his opinion, the state's central registry "gives officers access to tribal and foreign protection orders anywhere in Alaska, even if the victim does not have a copy of the order at hand."