



House Bill 12 – An Act Relating to Protective Orders

Sponsor Statement Version K

Last summer, the Alaska Supreme Court ruled in *Whalen v Whalen* that victims of domestic violence are unable to get an extension or renewal for an existing protective order based on the same incident of violence of the original order. This is regardless of whether they are still in fear of their perpetrators or whether their perpetrators continue to pose a risk to their safety.

The Court's holding turned on the interpretation of the protective order statutes which fail to expressly allow for extensions, renewals, or subsequent protective orders. The Court ruled the statutes are unclear and thus, do not allow for the extensions.

The intent of House Bill 12 is to clearly articulate that victims may request an extension of a protective order 30 days before or within 60 days after it expires.

The bill also extends this clarification to the statute that covers protective orders for sexual assault and stalking.

HB 12 clarifies that a court is not barred from ordering relief to victims based on an incident for which relief has previously been issued or considered, thus preventing a situation in which survivors must be a victim again before receiving judicial assistance.

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