

31-LS0103\G
Caouette/Radford
4/16/19

SENATE CS FOR CS FOR HOUSE BILL NO. 12(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOPP, Jackson, Hopkins, Tarr, Josephson, Tuck

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to protective orders."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 18.65.850(b) is amended to read:

4 (b) When a petition for a protective order is filed, the court shall schedule a
5 hearing and provide at least 10 days' notice to the respondent of the hearing and of the
6 respondent's right to appear and be heard, either in person or through an attorney. If
7 the court finds by a preponderance of evidence that the respondent has committed
8 stalking or sexual assault against the petitioner, regardless of whether the respondent
9 appears at the hearing, the court may order any relief available under (c) of this
10 section. The provisions of a protective order issued under this section are effective for
11 **one year** [SIX MONTHS] unless earlier dissolved by the court.

12 * **Sec. 2.** AS 18.65.850(e) is amended to read:

13 (e) A court may not deny a petition for a protective order solely because
14 **(1) there is** [OF] a lapse of time between an act of sexual assault and
15 the filing of the petition;

(2) the stalking or act of sexual assault was the basis for a previous protective order; or

(3) a court previously found that the petitioner was a victim of stalking or sexual assault but declined to order relief under this section, if the petition alleges a change in circumstances since the court's previous finding.

* Sec. 3. AS 18.65.850 is amended by adding a new subsection to read:

(f) Within 30 days before, or within 60 days after, the expiration of a protective order issued or extended under this section, a petitioner may petition the court for an extension of the protective order. The court shall schedule a hearing and provide at least 10 days' notice to the respondent of the hearing and of the respondent's right to appear and be heard, either in person or through an attorney. If the court finds that an extension of the provisions of the order is necessary to protect the petitioner from stalking or sexual assault, regardless of whether the respondent appears at the hearing, the court may extend the provisions of the order. An extension granted under this subsection is effective for one year unless earlier dissolved by court order. If the court grants an extension before the protective order expires, the extension takes effect on the day the protective order would have expired.

* Sec. 4. AS 18.66.100(e) is amended to read:

(e) A court may not deny a petition for a protective order under this section solely because

(1) there is [OF] a lapse of time between an act of domestic violence and the filing of the petition;

(2) the act of domestic violence was the basis for a previous protective order; or

(3) a court previously found that the incident was a crime of domestic violence committed against the petitioner but declined to order relief under this section, if the petition alleges a change in circumstances since the court's previous finding.

* Sec. 5. AS 18.66.100 is amended by adding a new subsection to read:

(f) Within 30 days before, or within 60 days after, the expiration of a protective order issued or extended under (b)(2) of this section, a petitioner may

1 petition the court for an extension of the protective order. The court shall schedule a
2 hearing and provide at least 10 days' notice to the respondent of the hearing and of the
3 respondent's right to appear and be heard, either in person or through an attorney. If
4 the court finds that an extension of the provisions of the order is necessary to protect
5 the petitioner from domestic violence, regardless of whether the respondent appears at
6 the hearing, the court may extend the provisions of the order. An extension granted
7 under this subsection is effective for one year unless earlier dissolved by court order.
8 If the court grants an extension before the protective order expires, the extension takes
9 effect on the day the protective order would have expired.

10 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 APPLICABILITY. AS 18.65.850(e), as amended by sec. 2 of this Act,
13 AS 18.65.850(f), enacted by sec. 3 of this Act, AS 18.66.100(e), as amended by sec. 4 of this
14 Act, and AS 18.66.100(f), enacted by sec. 5 of this Act, apply to protective orders issued
15 before, on, or after the effective date of secs. 2 - 5 of this Act.