



Alaska State Legislature

Senator Matt Claman

Session: State Capitol, Juneau, AK 99801 Phone: 465-4919

Interim: 1500 W. Benson Blvd., Anchorage, AK 99503 Phone: 269-0130

Senate Bill 28

Sectional Analysis — Version A

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 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 4

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 5

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 6

Amends AS 18.65 to add 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 protective order is issued.

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.

Sec. 18.65.895. Service of process.

Clarifies that protective orders should be promptly served and executed.

Sec. 18.65.897. Civil liability

Creates 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 7

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 8

Uncodified law – Indirect court rule amendments

Specifies amendments to: Rule 4, Alaska Rules of Civil Procedure, and 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 9

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.

Section 10

Effective Date

If sec. 9 takes effect, it takes effect on January 1, 2024.