

ALASKA STATE LEGISLATURE

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REPRESENTATIVE ANDY JOSEPHSON

HB89: Extreme Risk Protective Orders **Sectional Analysis Ver. A**

- Sec. 1** Adds a Class A misdemeanor charge for knowingly violating the law created in Sec. 6.
- Sec. 2** Adds a reference to the new type of protective order added in Sec. 6 to the definition of “protective order” in statute.
- Sec. 3** Makes it mandatory that a peace officer arrest a person if they have probable cause they are in violation of Sec. 6.
- Sec. 4** Adds the new protective orders in Sec. 6 to the registry that the Department of Public Safety is required to maintain. This registry must include the names and birthdates of the petitioner and respondent, and the conditions and duration of the order.
- Sec. 5** Requires the protective orders issued under section 6 of this bill be added into the central registry within 24 hours after being received.
- Sec. 6** Adds new statutes to Article 11 (Firearms) to AS 18.65 (Police Protection), creating Gun Violence Protective Orders.
- AS 18.65.815(a) A peace officer or household member who reasonably believes a person is a danger to themselves or others may file a petition in district or superior court for a protective order.
- (b) When a petition is filed, the court shall schedule a hearing and provide at least 10 days’ notice. If the court finds they are a danger to self or others, the court may order relief under (c). Protective orders are effective for six months unless earlier dissolved.
- (c) A protective order issued under this section shall prohibit the respondent from possessing, owning, purchasing, receiving, or attempting to purchase or receive a firearm or ammunition.
- (d) If the court issues a protective order, they shall make reasonable efforts to ensure that the order is understood, shall have it delivered to local law

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enforcement, and shall direct the respondent to surrender or sell all firearms and ammunition within 24 hours after receiving the order.

- AS 18.65.820(a) A peace officer or household member may petition for an *ex parte* gun violence protective order. The court shall examine the petitioner and witnesses under oath, and may issue an order prohibiting the respondent from owning, purchasing, etc. This type of order expires in 20 days.
- (b) A peace officer may request an emergency gun violence protective order. If the court finds an immediate danger, and that less restrictive alternatives have been tried and were ineffective, the court shall issue an emergency protective order prohibiting the respondent from owning, purchasing, etc. This type of order expires in 72 hours.
- (c) Provides a list of evidence criteria the court may consider when determining whether to issue a protective order.
- AS 18.65.825(a) A petitioner or respondent may request modification of a proactive order
- (b) If the court modifies a protective order, they shall make reasonable efforts to ensure it is understood and have the order delivered to local law enforcement.
- AS 18.65.830(a) When issued a gun violence protective order, the court shall order the respondent to surrender or sell all firearms and ammunition that they possess within 24 hours.
- (b) Within 48 hours after receiving notice, the respondent shall file with the court and local law enforcement a receipt showing evidence of surrender or sale.
- (c) A law enforcement agency shall retain firearms and ammunition until the expiration of the order and shall then return the items to the respondent.
- (d) If the respondent does not want them returned, they may sell or transfer them to a firearms dealer.
- (e) A person other than the respondent who claims title to the surrendered items may petition the court to have the items returned to them.
- AS 18.65.835(a) Service of process for protective orders shall be provided.
- (b) The court system shall prepare forms for petitions and protective orders.
- (c) The petition must include a statement of pending civil and criminal actions involving the respondent.
- AS 18.65.840 When a court issues or accepts a protective order, they shall send a copy to the appropriate law enforcement agency. Agencies shall establish procedures to inform peace officers of protective orders, who shall use every reasonable means to enforce them.

AS 18.65.845 Adds a new definition of a “household member” who would have standing to petition for a protective order.

Sec. 7 Allows district judges and magistrates to administer the new gun violence emergency protective orders in Sec. 6.

Sec. 8 References Court Rule Amendments made by Sec. 6.

Sec 9 Conditional effect of Sec. 6, requiring a two-thirds vote of both bodies approving the court rule changes in Sec. 8.

Sec. 10 Effective date, July 1, 2025.