



# LAWS OF ALASKA

1985

**Source**

HCS CSSB 29 (R1s)

**Chapter No.**

43

**AN ACT**

Relating to domestic violence and domestic sexual offenses.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 29, 1985  
Actual Effective Date: August 27, 1985

AN ACT

Relating to domestic violence and domestic sexual offenses.

\* Section 1. AS 11.41 is amended by adding a new section to read:

Sec. 11.41.443. SPOUSAL RELATIONSHIP NO DEFENSE. In a prosecution under AS 11.41.410 or 11.41.420, it is not a defense that the victim was, at the time of the alleged offense, the legal spouse of the defendant.

\* Sec. 2. AS 11.41.445(a) is amended to read:

(a) In a prosecution under AS 11.41.434 - 11.41.440 [AS 11.41.-410 - 11.41.440] it is an affirmative defense that, at the time of the alleged offense, the victim was the legal spouse of the defendant unless the offense was committed without the consent of the victim

[(1) THE SPOUSES WERE LIVING APART; OR

(2) THE DEFENDANT CAUSED PHYSICAL INJURY TO THE VICTIM].

\* Sec. 3. AS 12.25.030(b) is amended to read:

(b) In addition to the authority granted under (a) of this section, a peace officer without a warrant may arrest a person when the peace officer has reasonable cause for believing that the person has committed a crime under AS 11.41, AS 11.46.330, or AS 11.61.120 when the victim is a spouse or former spouse of the person who committed the crime; a parent, grandparent, child, or grandchild of the person who committed the crime; [,] a member of the social unit comprised of those living together in the same dwelling as the person who

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1 committed the crime; [,] or another person who is not a spouse or  
2 former spouse of the person who committed the crime but who previously  
3 lived in a spousal relationship with the person who committed the  
4 crime.

5 \* Sec. 4. AS 18.66.900(3) is amended to read:

6 (3) "domestic violence" means a crime specified in AS 11.41  
7 when the victim is a spouse or a former spouse of the defendant; a  
8 parent, grandparent, child, or grandchild of the defendant; [, OR] a  
9 member of the social unit comprised of those living together in the  
10 same dwelling as the defendant; or a person who is not a spouse or  
11 former spouse of the defendant but who previously lived in a spousal  
12 relationship with the defendant;

13 \* Sec. 5. AS 25.35.010(a) is amended to read:

14 (a) A person who is subjected to domestic violence may petition  
15 a superior court for injunctive relief restraining the infliction of  
16 further domestic violence against the petitioner by the respondent.  
17 The court may appoint a guardian ad litem or attorney to represent a  
18 minor who is subject to this chapter in the same manner as an attorney  
19 may be appointed under AS 25.24.310.

20 \* Sec. 6. AS 25.35.060 is amended to read:

21 Sec. 25.35.060. DEFINITIONS. In this chapter, "domestic vio-  
22 lence" means a crime under AS 11.41 when the victim is a spouse or a  
23 former spouse of the respondent; a parent, grandparent, child, or  
24 grandchild of the respondent; [,] a member of the social unit com-  
25 prised of those living together in the same dwelling as the respon-  
26 dent; [,] or a person who is not a spouse or former spouse of the  
27 respondent but who previously lived in a spousal relationship with the  
28 respondent.