

**SENATE BILL NO. 316**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY SENATOR PARNELL

Introduced: 2/16/98

Referred: Judiciary, Finance

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to rehabilitation programs for perpetrators of domestic violence;  
2 and providing for an effective date."

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

4 \* **Section 1.** AS 12.55.101(a) is amended to read:

5 (a) Before granting probation to a person convicted of a crime involving  
6 domestic violence, the court shall consider the safety and protection of the victim and  
7 any member of the victim's family. If a person convicted of a crime involving  
8 domestic violence is placed on probation, the court may order the conditions  
9 authorized in AS 12.55.100 and AS 18.66.100(c)(1) - (7) and (11), and may

10 (1) require the defendant to participate in and complete to the  
11 satisfaction of the court one or more programs for the rehabilitation of perpetrators of  
12 domestic violence that meet the standards set **by, and that are approved** by, the  
13 Department of Corrections under AS 44.28.020(b) [,] if the program is available in the  
14 community where the defendant resides; **the court may not order a defendant to**

1 participate in or complete a program for the rehabilitation of perpetrators of  
 2 domestic violence that does not meet the standards set, and that is not approved,  
 3 by the Department of Corrections under AS 44.28.020(b);

4 (2) require the defendant to refrain from the consumption of alcohol;  
 5 and

6 (3) impose any other condition necessary to protect the victim and any  
 7 members of the victim's family, or to rehabilitate the defendant.

8 \* **Sec. 2.** AS 18.66.100(c)(15) is amended to read:

9 (15) order the respondent, at the respondent's expense, to participate in  
 10 (A) a program for the rehabilitation of perpetrators of domestic violence that meets the  
 11 standards set **by, and that is approved** by, the Department of Corrections under  
 12 AS 44.28.020(b), or (B) treatment for the abuse of alcohol or controlled substances,  
 13 or both; **a protective order under this section may not require a respondent to**  
 14 **participate in a program for the rehabilitation of perpetrators of domestic**  
 15 **violence unless the program meets the standards set by, and that is approved by,**  
 16 **the Department of Corrections under AS 44.28.020(b);**

17 \* **Sec. 3.** AS 33.16.150(f) is amended to read:

18 (f) In addition to other conditions of parole imposed under this section, the  
 19 board may impose as a condition of special medical, discretionary, or mandatory parole  
 20 for a prisoner serving a term for a crime involving domestic violence (1) any of the  
 21 terms of protective orders under AS 18.66.100(c)(1) - (7); (2) a requirement that, at  
 22 the prisoner's expense, the prisoner participate in and complete, to the satisfaction of  
 23 the board, a program for the rehabilitation of perpetrators of domestic violence that  
 24 meets the standards set **by, and that is approved** by, the department under  
 25 AS 44.28.020(b); and (3) any other condition necessary to rehabilitate the prisoner.  
 26 The board shall establish procedures for the exchange of information concerning the  
 27 parolee with the victim and for responding to reports of nonattendance or  
 28 noncompliance by the parolee with conditions imposed under this subsection. **The**  
 29 **board may not under this subsection require a prisoner to participate in and**  
 30 **complete a program for the rehabilitation of perpetrators of domestic violence**  
 31 **unless the program meets the standards set by, and is approved by, the**

1        **department under AS 44.28.020(b).**

2        \* **Sec. 4.** AS 44.28.020(b) is amended to read:

3                (b) The department shall, with the approval of the Council on Domestic  
4        Violence and Sexual Assault, adopt standards, by regulation, for rehabilitation  
5        programs for perpetrators of domestic violence as defined in AS 18.66.990. For  
6        purposes of AS 12.55.101, AS 18.66.100(c), and AS 33.16.150(f), the department shall  
7        **approve a program if the department determines that the** [DETERMINE  
8        WHETHER A] program meets the standards.

9        \* **Sec. 5.** This Act takes effect January 1, 1999.