

CS FOR HOUSE BILL NO. 267(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 2/12/98

Referred: Rules

Sponsor(s): REPRESENTATIVES KELLY, Dyson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the duties of the Council on Domestic Violence and Sexual
2 Assault; allowing domestic violence and sexual assault counselors to reveal to law
3 enforcement officials whether a person is missing or not missing; and providing
4 for an effective date."

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

6 * **Section 1.** AS 18.66.050 is amended to read:

7 **Sec. 18.66.050. Duties of the council.** The council shall

8 (1) hire an executive director and necessary staff;

9 (2) elect one of its members as presiding officer;

10 (3) in consultation with authorities in the field, develop, implement,
11 maintain, and monitor domestic violence, sexual assault, and crisis intervention and
12 prevention programs, including educational programs, films, and school curricula on
13 the cause, prevention, and treatment of domestic violence and sexual assault;

14 (4) coordinate services provided by the Department of Law, the

1 Department of Education, the Department of Public Safety, the Department of Health
2 and Social Services, and other state agencies and community groups dealing with
3 domestic violence, sexual assault, and crisis intervention and prevention, and provide
4 technical assistance as requested by those state agencies and community groups;

5 (5) develop and implement a standardized data collection system on
6 domestic violence, sexual assault, and crisis intervention and prevention;

7 (6) conduct public hearings and studies on issues relating to violence,
8 including domestic violence and sexual assault, and on issues relating to the role of
9 crisis intervention and prevention;

10 (7) receive and dispense state and federal money and award grants and
11 contracts from appropriations for the purpose to qualified local community entities for
12 domestic violence, sexual assault, and crisis intervention and prevention programs;

13 (8) oversee and audit domestic violence, sexual assault, and crisis
14 intervention and prevention programs that receive money under this chapter;

15 (9) provide fiscal and technical assistance to plan, organize, implement
16 and administer domestic violence, sexual assault, and crisis intervention and prevention
17 programs;

18 (10) make an annual report to the governor on the activities of the
19 council, plans of the council for new services and programs, and concerns of the
20 council, including recommendations for legislation necessary to carry out the purposes
21 of this chapter; the council shall notify the legislature that the report is available;

22 (11) adopt regulations in accordance with AS 44.62 (Administrative
23 Procedure Act) to carry out the purposes of this chapter and to protect the health,
24 safety, well-being, and privacy of persons receiving services financed with grants or
25 contracts under this chapter; **regulations adopted under this paragraph must allow**
26 **a victim counselor employed by a grantee or contractor under this chapter to**
27 **divulge information to the extent allowed under AS 18.66.210;**

28 (12) consult with the Department of Health and Social Services in the
29 formulation of standards and procedures for the delivery of services to victims of
30 domestic violence by health care facilities and practitioners of healing arts and
31 personnel in those facilities as required in AS 18.66.300;

1 (13) consult with the Alaska Police Standards Council and other police
2 training programs in the state to develop training programs regarding domestic violence
3 for police officers and for correction, probation, and parole officers;

4 (14) consult with public employers, the Alaska Supreme Court, school
5 districts, and prosecuting authorities who are required by AS 18.66.300 - 18.66.310 to
6 provide continuing education courses in domestic violence to employees.

7 * **Sec. 2.** AS 18.66.210 is amended to read:

8 **Sec. 18.66.210. Exceptions.** The privilege provided under AS 18.66.200 does
9 not apply to

10 (1) reports of suspected child abuse or neglect under AS 47.17;

11 (2) evidence that the victim is about to commit a crime;

12 (3) a proceeding that occurs after the victim's death;

13 (4) a communication relevant to an issue of breach by the victim or
14 victim counselor of a duty arising out of the victim-victim counselor relationship;

15 (5) a communication that is determined to be admissible hearsay as an
16 excited utterance under the Alaska Rules of Evidence;

17 (6) a child-in-need-of-aid proceeding under AS 47.10;

18 (7) a communication made during the victim-victim counselor
19 relationship if the services of the counselor were sought, obtained, or used to enable
20 anyone to commit or plan a crime or to escape detection or apprehension after the
21 commission of a crime; [OR]

22 (8) a criminal proceeding concerning criminal charges against a victim
23 of domestic violence or sexual assault where the victim is charged with a crime

24 (A) under AS 11.41 against a minor; or

25 (B) in which the physical, mental, or emotional condition of the
26 victim is raised in defense of the victim; or

27 **(9) a communication by a victim counselor to a law enforcement**
28 **official who, in the performance of an official duty, is investigating a report of a**
29 **missing person who may be a victim; under this exception, a victim counselor may**
30 **communicate to the law enforcement official only whether the victim is missing**
31 **or not missing, based on the counselor's knowledge and records reasonably**

1 available to the counselor.

2 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).