

HOUSE BILL NO. 398

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES DAHLSTROM, Stoltze, Samuels, McGuire, Wilson

Introduced: 1/23/04
Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to domestic violence fatality review teams."**

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

3 * **Section 1.** AS 18.66 is amended by adding a new section to read:

4 **Article 4A. Domestic Violence Fatality Review Teams.**

5 **Sec. 18.66.400. Domestic violence fatality review teams.** (a) The
6 commissioner of public safety may establish domestic violence fatality review teams
7 in areas of the state. A municipality may establish a domestic violence fatality review
8 team in a municipality. When the investigation of fatal and near-fatal incidents of
9 domestic violence has been terminated by law enforcement, a domestic violence
10 fatality review team may review those incidents for the purpose of preventing
11 domestic violence-related fatalities, improving the response of law enforcement and
12 other agencies to domestic violence, and providing consultation and coordination for
13 agencies involved in the prevention and investigation of domestic violence. The
14 review may include a review of events leading up to the domestic violence incident,
15 available community resources, current laws and policies, actions taken by agencies

1 and persons related to the incident and persons involved in the incident, and other
2 information the team determines to be relevant to the review. The confidential and
3 other records of a department or agency of the state or a municipality relating to the
4 domestic violence incident may be examined by the domestic violence fatality review
5 team or a member of the team. The domestic violence fatality review team and each
6 member of the team shall preserve the confidentiality of any records examined.

7 (b) The membership of a domestic violence fatality review team shall be
8 determined by the commissioner of public safety or the municipality, as appropriate.
9 Membership may include representatives from

- 10 (1) law enforcement agencies within the area or municipality;
- 11 (2) the district attorney for the area or municipality and municipal
12 prosecutor if created by a municipality;
- 13 (3) the chief medical examiner;
- 14 (4) the department of corrections;
- 15 (5) employees of the department of health and social services who deal
16 with domestic violence;
- 17 (6) local agencies and organizations involved with crime victim and
18 domestic violence protection, reporting, and counseling and assistance;
- 19 (7) other organizations, departments, and agencies determined to be
20 appropriate.

21 (c) The victims' advocate under AS 24.65 is an ex officio member of each
22 domestic violence fatality review team created under this section and may attend any
23 meeting and review any information available to or considered by a team.

24 (d) Except for a public report issued by a domestic violence fatality review
25 team that does not contain confidential information, records or other information
26 collected by a team or any member of a team related to duties under this section are
27 confidential and not subject to public disclosure under AS 40.25.100 and 40. 25.110.
28 Meetings of a domestic violence fatality review team are closed to the public and are
29 not subject to the provisions of AS 44.62.310 and 44.62.312.

30 (e) The determinations, conclusions, and recommendations of a domestic
31 violence fatality review team or its members are not admissible in a civil or criminal

1 proceeding. A member may not be compelled to disclose a determination, conclusion,
2 recommendation, discussion, or thought process through discovery or testimony in a
3 civil or criminal proceeding. Records and information collected by the team are not
4 subject to discovery or subpoena in connection with a civil or criminal proceeding.

5 (f) Notwithstanding (e) of this section, an employee of a state or a municipal
6 agency may testify in a civil or criminal proceeding concerning cases reviewed by a
7 domestic violence fatality review team even though the agency's records were
8 reviewed by a team and formed the basis of that employee's testimony and the team's
9 report.

10 (g) A person who serves on a domestic violence fatality review team is not
11 liable for damage or other relief in an action brought by the reason of the performance
12 of a duty, function, or activity of the team.